



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

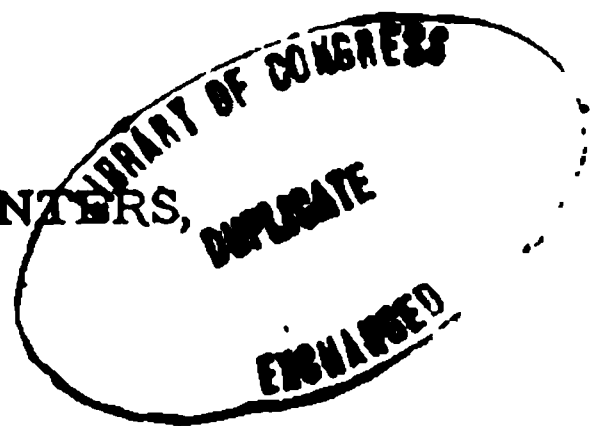


JOURNAL
OF THE
INDIANA STATE SENATE,
DURING THE
FORTY-EIGHTH SESSION
OF THE
GENERAL ASSEMBLY

COMMENCING THURSDAY, JANUARY 9, 1873

REGULAR SESSION.

INDIANAPOLIS:
JOURNAL COMPANY, PRINTERS,
1873.



UNIVERSITY OF CHICAGO
LIBRARIES
266892
MARCH 1930

JOURNAL

OF THE

SENATE OF INDIANA.

THURSDAY MORNING,

JANUARY 9th, 1873.

The Forty-Eighth Regular Session of the General Assembly of the State of Indiana, begun and held at the Capitol in the City of Indianapolis on Thursday, January 9th, A. D. 1873.

The Hon. George W. Friedley, President of the last Special Session of the General Assembly, being present, took the chair, and proceeded to call the Senatorial Districts entitled to representation in this General Assembly—

When the following Senators responded to the call:

From the county of Allen—O. Bird.

From the counties of Adams and Allen—J. D. Sarnighausen.

From the counties of Brown and Jackson—Jason B. Brown.

From the counties of Cass and Fulton—Milo R. Smith.

From the counties of Clay and Sullivan—Morgan B. Ringo.

From the county of Franklin—John Beggs.

From the counties of Greene and Owen—W. E. Dittemore.

From the counties of Grant, Blackford and Jay—Asbury Steele.

From the counties of Howard and Carroll—Addison Armstrong.

From the counties of Huntington and Wells—Hugh Daugherty.

From the counties of Johnson and Morgan—M. R. Slater.

From the counties of Knox and Daviess—J. D. Williams.

From the counties of Lawrence and Monroe—G. W. Friedley.

From the counties of Laporte and Starke—J. H. Winterbotham.

From the county of Montgomery—J. F. Harney.

From the counties of Ohio and Dearborn—Richard Gregg.

From the counties of Posey and Gibson—M. T. Carnahan.

From the counties of Perry, Crawford and Orange—John Stroud.

From the counties of Pulaski, White, Benton, Jasper, and Newton—R. S. Dwiggin.

From the counties of Putnam and Hendricks—Addison Daggy.

From the counties of Shelby and Bartholomew—O. J. Glessner.

From the county of Vanderburgh—H. C. Gooding.

From the county of Vigo—H. D. Scott.

From the counties of Warrick and Spencer—B. S. Fuller.

From the counties of Washington and Harrison—J. A. Bowman.

On motion of Mr. Glessner the Senate took a recess until 2 o'clock P. M.

TWO O'CLOCK P. M

The Senate re-assembled.

Mr. Scott moved that the Senate do now adjourn.

One-tenth of the Senators demanding the ayes and noes.

Those voting in the affirmative, were Messrs. Brown, Daggy Dwiggin, Gooding, Haworth, Orr, Scott, Steele and Mr. President—9.

Those who voted in the negative, were Messrs. Armstrong Beggs, Bird, Boone, Bowman, Carnahan, Daugherty, Dittemore Fuller, Francisco, Glessner, Gregg, Harney, Ringo, Sarnighausen, Slater, Stroud, Williams and Mr. Winterbotham—19.

So the motion to adjourn did not prevail.

Mr. Gooding demanded a call of the Senate by districts.

The following Senators responded to the call :

From the county of Allen—O. Bird.

From the counties of Adams and Allen—J. D. Sarnighausen.

From the counties of Brown and Jackson—Jason B. Brown.

From the counties of Clinton and Boone—A. J. Boone.

From the counties of Clay and Sullivan—M. B. Ringo.

From the counties of Delaware and Madison—James Orr.

From the county of Franklin—John Beggs.

From the counties of Floyd and Clarke—A. W. Hall.

From the counties of Greene and Owen—W. E. Dittemore.

From the counties of Grant, Blackford and Jay—Asbury Steele.

From the counties of Howard and Carroll—A. Armstrong.

From the counties of Huntington and Wells—Hugh Daugherty.

From the county of Jefferson—Hiram Francisco.

From the counties of Johnson and Morgan—M. R. Slater.

From the counties of Knox and Daviess—J. D. Williams.

From the counties of Lawrence and Monroe—G. W. Friedley.

From the counties of Laporte and Starke—J. H. Winterbotham.

From the county of Montgomery—J. F. Harney.

From the counties of Dearborn and Ohio—R. Gregg.

From the counties of Posey and Gibson—M. T. Carnahan.

From the counties of Crawford, Perry and Orange—J. Stroud.

From the counties of Shelby and Bartholomew—O. J. Glessner.

From the county of Vanderburgh—H. C. Gooding.

From the counties of Warrick and Spencer—B. S. Fuller.

From the counties of Washington and Harrison—J. A. Bowman.

Mr. Steele moved that the Senate do now adjourn. Which was not agreed to.

The President again ordered a call of the Senatorial Districts. The following Senators responded to the call :

From the county of Allen—O. Bird.

From the counties of Adams and Allen—J. D. Sarnighausen.

From the counties of Jackson and Brown—Jason B. Brown.

From the counties of Cass and Fulton—M. R. Smith.

From the counties of Clinton and Boone—A. J. Boone.

From the counties of Clay and Sullivan—M. B. Ringo.

From the counties of Delaware and Madison—James Orr.

From the county of Franklin—John Beggs.

From the counties of Floyd and Clarke—A. W. Hall.

From the counties of Greene and Owen—W. E. Dittemore.

From the counties of Grant, Blackford and Jay—Asbury Steele.

From the counties of Huntington and Wells—Hugh Daugherty.

From the county of Jefferson—Hiram Francisco.

From the counties of Johnson and Morgan—M. R. Slater.

From the counties of Knox and Daviess—J. D. Williams.

From the counties of Lawrence and Monroe—George W. Friedley.

From the counties of Laporte and Starke—J. H. Winterbotham.

From the county of Montgomery—J. F. Harney.

From the counties of Ohio and Dearborn—R. Gregg.

From the counties of Posey and Gibson—M. C. Carnahan.

From the counties of Perry, Crawford and Orange—J. Stroud.

From the counties of Pulaski, White, Benton, Jasper and Newton—R. S. Dwiggin.

From the counties of Shelby and Bartholomew—O. J. Glessner.

From the county of Vanderburgh—H. C. Gooding.

From the county of Vigo—H. D. Scott.

From the counties of Warrick and Spencer—B. S. Fuller.

From the counties of Washington and Harrison—J. A. Bowman.

On motion by Mr. Dwiggin the Senate adjourned.

FRIDAY MORNING,

JANUARY 10, 1873.

Senate met.

President Friedley called the Senate to order.

Prayer was offered by the Rev. Mr. Black, President of the Northwestern University.

Mr. Scott moved a call of the Senatorial Districts.

The following Senators responded to the call:

From the county of Allen—O. Bird.

From the counties of Adams and Allen—J. D. Sarnighausen.

From the counties of Brown and Jackson—Jason B. Brown.

From the counties of Cass and Fulton—Milo R. Smith.

From the counties of Clinton and Boone—A. J. Boone.

From the counties of Clay and Sullivan—M. B. Ringo.

From the counties of Delaware and Madison—James Orr.

From the counties of De Kalb and Steuben—W. I. Howard.

From the county of Elkhart—J. R. Beardsley.

From the county of Franklin—John Beggs.

From the counties of Floyd and Clarke—A. W. Hall.

From the counties of Fayette and Union—R. M. Haworth.

From the counties of Fountain and Warren—William P. Rhodes.

From the counties of Greene and Owen—W. E. Dittmore.

From the counties of Grant, Blackford and Jay—Asbury Steele

From the counties of Howard and Carroll—Addison Armstrong.

From the counties of Huntington and Wells—Hugh Daugherty.

From the counties of Hamilton and Tipton—William O'Brien.

From the county of Jefferson—Hiram Francisco.

From the counties of Johnson and Morgan—M. R. Slater.

From the counties of Knox and Daviess—J. D. Williams.
 From the counties of Lake and Porter—Richard C. Wadge.
 From the counties of Lawrence and Monroe—G. W. Friedley.
 From the counties of Laporte and Starke—J. H. Winterbotham.

From the counties of Miami and Wabash—Robert Miller.
 From the county of Marion—W. C. Thompson.
 From the county of Marion—D. H. Oliver.
 From the county of Montgomery—J. F. Harney.
 From the counties of Noble and Lagrange—William Bunyan.
 From the counties of Ohio and Dearborn—R. Gregg.
 From the counties of Posey and Gibson—M. T. Carnahan.
 From the counties of Perry, Crawford and Orange—J. Stroud.
 From the counties of Parke and Vermillion—John Collett.
 From the counties of Pulaski, White, Benton, Jasper and Newton—Robert Dwiggin.

From the counties of Putnam and Hendricks—Addison Daggy.
 From the counties of Rush and Decatur—G. D. Sleeth.
 From the county of Randolph—A. J. Neff.
 From the counties of Switzerland and Ripley—M. K. Rosebrugh.

From the counties of Shelby and Bartholomew—O. J. Glessner.

From the counties of Scott and Jennings—J. W. Friedley.
 From the counties of St. Joseph and Marshall—Lucius Hubbard.

From the county of Tippecanoe—Henry Taylor.
 From the county of Vanderburgh—H. C. Gooding.
 From the county of Vigo—H. D. Scott.
 From the counties of Warrick and Spencer—B. S. Fuller.
 From the counties of Washington and Harrison—J. A. Bowman.

There being a quorum present, the President announced that the next thing in order is the election of officers of the Senate.

Mr. Dwiggin put in nomination for President, Hon. George W. Friedley, of Lawrence county, to serve until the inauguration of Leonidas Sexton, Lieutenant Governor, elect.

Mr. Slater put in nomination for President, Hon. B. S. Fuller, of Warrick county.

The Secretary proceeded to call the roll.

Those who voted for Mr. Friedley were,

Messrs. Beardsley, Brown, Bunyan, Collett, Daggy, Dwiggin, Friedley, Gooding, Haworth, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Scott, Sleeth, Steele, Taylor, Thompson and Wadge—23.

Those who voted for Mr. Fuller were,

Messrs. Beggs, Bird, Boone, Bowman, Carnahan, Daugherty, Francisco, Glessner, Gregg, Hall, Harney, Ringo, Rosebrugh, Sarnighausen, Slater, Smith, Stroud, Williams and Winterbotham—20

Mr. Friedley having received a majority of all the votes cast, was declared duly elected President of the Senate.

The President announced that nominations for Principal Secretary were now in order.

Mr. Dwiggin put in nomination Mr. D. H. Olive, of Boone county.

Mr. Williams put in nomination Mr. George H. Denbo, of Harrison county.

The Secretary proceeded to call the roll.

Those who voted for Mr. Olive were,

Messrs. Beardsley, Brown, Bunyan, Collett, Daggy, Dwiggin, Friedley, Gooding, Haworth, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Scott, Sleeth, Steele, Taylor, Thompson, Wadge and Mr. President—24.

Those who voted for Mr. Denbo were,

Messrs. Beggs, Bird, Boone, Bowman, Carnahan, Daugherty, Dittemore, Fuller, Francisco, Glessner, Gregg, Harney, Ringo, Rosebrugh, Sarnighausen, Slater, Smith, Stroud, Williams and Winterbotham—20.

Mr. Olive having received a majority of all the votes, was declared duly elected Secretary of the Senate.

The Secretary elect came forward and took the oath of office, and entered upon the discharge of his duties.

The President announced that nominations for Assistant Secretary, were now in order.

Mr. Dwiggins put in nomination Mr. P. P. Culver, of Tippecanoe county.

Mr. Slater put in nomination Mr. Olney Newell, of Boone county.

The Secretary proceeded to call the roll.

Those who voted for Mr. Culver were,

Messrs. Beardsley, Brown, Bunyan, Collett, Daggy, Dwiggins, Friedley, Gooding, Haworth, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Scott, Sleeth, Steele, Taylor, Thompson, Wadge and Mr. President—24.

Those who voted for Mr. Newel were,

Messrs. Beggs, Bird, Boone, Bowman, Carnahan, Daugherty, Dittemore, Fuller, Francisco, Glessner, Gregg, Hall, Harney, Ringo, Rosebrugh, Sarnighausen, Slater, Smith, Stroud, Williams and Winterbotham—21.

Mr. Culver having received a majority of all the votes, was declared duly elected Assistant Secretary of the Senate.

The President announced that nominations for Door-keeper were now in order.

Mr. Dwiggins put in nomination Mr. Archibald Anderson, of Lawrence county.

Mr. Glessner put in nomination Mr. J. N. Johnson, of Montgomery county.

The Secretary proceeded to call the roll.

Those who voted for Mr. Anderson were,

Messrs. Beardsley, Brown, Bunyan, Collett, Daggy, Dwiggins, Friedley, Gooding, Haworth, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Scott, Sleeth, Steele, Taylor Thompson, Wadge and Mr. President—24.

Those who voted for Mr. Johnson were,

Messrs. Beggs, Bird, Boone, Bowman, Carnahan, Daugherty, Ditemore, Fuller, Francisco, Glessner, Gregg, Hall, Harney, Ringo, Rosebrugh, Sarnighausen, Slater, Smith, Stroud, Williams and Winterbotham—21.

Mr. Anderson, having received a majority of all the votes cast, was declared duly elected Door-keeper of the Senate.

Mr. Culver, the Assistant Secretary elect, and Mr. Anderson, the Door-keeper elect, appeared and were sworn in, and entered upon the discharge of their duties.

Mr. Orr offered the following resolution :

Resolved, That the House be informed, that the Senate has organized by the election of Hon. George W. Friedley, of Lawrence county, as President ; D. H. Olive, of Boone county, as Principal Secretary ; Primus P. Culver, of Tippecanoe county, Assistant Secretary, and Archibald Anderson Principal Door-keeper, and that the Senate is now ready to proceed with Legislative business.

Which was adopted.

Mr. Glessner offered the following :

Resolved, That the standing rules of the last Special Session be adopted as the standing rules of the present session

Mr. Brown offered the following amendment :

After the commencement of a roll call no Senator shall be allowed to occupy the floor of the Senate, for the purpose of explaining his vote or otherwise, for a longer period than five minutes, unless by unanimous consent of the Senate.

Mr. Scott moved to strike out the word "otherwise."

Mr Armstrong moved to lay the whole matter on the table,

Which was agreed to.

Message from the House by Mr. Nixon, Clerk thereof ;

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has organized by electing W. K. Edwards, Speaker; Cyrus T. Nixon, Principal Clerk; Moses G. McLain, Assistant Clerk; and Thomas Lockhart, Door-keeper; and that the House is now ready to proceed with legislative business.

Message from the House by Mr. Nixon, Clerk thereof ;

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following concurrent resolution, to-wit :

Resolved by the House of Representatives, the Senate concurring, That there shall be appointed by the House and Senate a joint committee, consisting of three Senators and six Representatives, to which shall be referred all claims which, if allowed, would properly be included in the specific appropriation bill that may be presented to either the House or the Senate, and after said claims have been acted upon by said committee, the chairman thereof, or some other member of the committee which he may designate, shall report to each House their action thereon.

Mr. Haworth offered the following :

Resolved, That a committee of two, on the part of the Senate, be appointed to join a like committee on the part of the House, to wait upon his Excellency, the Governor, to inform him of the organization of the two Houses, and learn of him at what time it will suit his convenience to make whatever communication he may desire to the Legislature.

Which was adopted.

The President appointed Messrs. Haworth and Williams on part of the Senate.

Mr. Williams offered the following:

Resolved, That each member have the right to retain the seat he occupied at the special session, provided he desires to do so.

Mr. Hall moved to lay the resolution on the table.

Which was not agreed to.

Mr. Dwiggins moved to indefinitely postpone.

Messrs. Dittemore and Harney demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beardsley, Beggs, Brown, Collet, Dwiggins, Francisco, Glëssner, Gooding, Gregg, Hubbard, Neff, O'Brien, Orr, Ringo, Rosebrugh, Scott, Sleeth, Steele, Stroud, Taylor and Wadge—21.

Those who voted in the negative were, Messrs. Bird, Boone, Bowman, Bunyan, Carnahan, Daggy, Daugherty, Dittemore, Fuller, Friedley, Hall, Harney, Haworth, Howard, Miller, Oliver, Rhodes, Sarnighausen, Slater, Smith, Thompson, Williams and Mr. Winterbotham—23.

Which motion did not prevail.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, to-wit:

Resolved, That the Senate be invited to attend in the hall of the House of Representatives, at 10 o'clock A. M., on Saturday next, for the purpose of opening and publishing the election returns for Governor and Lieutenant Governor, held on the second Tuesday of October, 1872.

Message from the House by Mr. Nixon, Clerk thereof;

Mr. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, to-wit :

Resolved, That a committee of three on the part of the House, to act with a like committee of the Senate, be appointed to inform the Governor that the regular session of the Legislature of 1878 has fully organized, and are ready to receive any communications he may desire to offer, and that the Speaker has appointed on such committee on the part of the House, Messrs. Satterwhite, Smith and Hatch.

Mr. Glessner offered the following :

Resolved, That a committee of five be appointed to report standing rules for the present session, and that until such report be made, the standing rules of the last special session be adopted.

Mr. Dwiggins offered the following substitute :

Resolved, That the rules of the last session of the Senate be adopted for the government of the Senate, until the further order of the Senate.

Which was agreed to.

Mr. Daggy moved to reconsider the vote on the adoption of the resolution appointing a committee to wait upon the Governor.

Which was agreed to, and the vote reconsidered.

Mr. Daggy moved to lay the resolution on the table.

Which was agreed to.

Mr. Friedley, of Lawrence, **Mr. Brown** in the chair, moved to take up the message of the House, containing the concurrent resolution, providing for the appointment of a committee to wait on the Governor.

Which motion was agreed to, and the resolution adopted.

The President announced the committee as follows: Messrs. Haworth, Williams and Steele.

Mr. Brown moved that Hon. Leonidas Sexton, Lieutenant Governor elect, be invited to a seat on the floor of the Senate during his stay in the city.

Which motion was agreed to.

Mr. Glessner moved that a committee of three be appointed to wait upon Leonidas Sexton, Lieutenant Governor elect, and notify him of the action of the Senate, extending to him an invitation to occupy a seat on the floor of the Senate during his stay in the city.

Which was agreed to.

Messrs. Glessner, Gooding and O'Brien were appointed as a committee under the resolution.

Mr. Dwiggins offered the following:

Resolved, That a committee of five be appointed to inquire into the propriety of employing an official reporter for the Senate, and the best manner of publishing such reports, with instructions to report to the Senate at an early day.

Which was adopted.

On motion by Mr. Gooding, the Senate took a recess for ten minutes.

The Senate re-assembled.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, to-wit:

Resolved, That the Senate be invited to meet the House of Representatives in joint convention, in the hall of the House to-day, at 2½ o'clock P. M., for the purpose of hearing the Governor's message.

By unanimous consent, Mr. Dwiggins introduced Senate Bill No. 168.

A bill supplemental to an act entitled "An Act in relation to the organization of the two houses of the General Assembly; pre-

scribing the number of officers and employees of each House, and regulating their duties, and declaring an emergency."

Was read a first time.

Mr. Dwiggins moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and the bill read a second time now.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were Messrs. Beardsley, Beggs, Bowman, Brown, Bunyan, Dittemore, Dwiggins, Fuller, Francisco, Glessner, Gooding, Gregg, Haworth, Howard, Hubbard, Miller, O'Brien, Oliver, Orr, Rhodes, Rosebrugh, Sleeth, Smith, Steele, Taylor, Thompson, Wadge, and Mr. President—28.

Those who voted in the negative were Messrs. Bird, Boone, Carnahan, Collett, Daggy, Daugherty, Friedley, Hall, Neff, Ringo, Sarnighausen, Scott, Slater, Stroud, Williams, and Mr. Winterbotham.—16.

So the rule was not suspended.

Mr. Dittemore moved to take up message from the House, inviting the Senate to meet the House in joint convention, to hear the message of the Governor.

Which motion was agreed to, and, on motion, the invitation was accepted.

Mr. Rosebrugh was granted leave of absence indefinitely.

Mr. Dwiggins moved that a committee of five Senators be appointed to inquire into the necessity of increasing the number of employees of the Senate.

Which motion was agreed to.

Thereupon, the President appointed Messrs. Dwiggins, Glessner, Steele, Dittemore, and Wadge, as such committee.

Mr. Haworth, from the Special Committee, to wait upon the Governor. by unanimous consent, made the following report:

MR. PRESIDENT :

The committee appointed to join a like committee of the House, to wait upon the Governor, inform him of the organization of the two Houses, and learn of him at what time it would suit his convenience, to communicate his message to the Legislature,

Beg leave to report that they have attended to that business, and the Governor has designated the hour of 2:30 o'clock this afternoon, in the Hall of the House of Representatives.

Which report was concurred in.

On motion by Mr. Dittmore, the Senate took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Senate re-assembled at 2 o'clock P. M.

Mr. Orr offered the following :

Resolved, That a committee of three, consisting of Senators Neff, Scott, and Carnahan, be appointed to take into consideration the number of newspapers, if any, taken by this Senate, and report as soon as possible.

Which resolution was adopted.

Mr. Gregg moved to take up message from the House, inviting the Senate to meet the House in joint convention, to count the vote for Governor and Lieutenant Governor.

Which invitation, on motion, was accepted.

Message from the House by Messrs. Cauthorn and Tulley, members thereof:

MR. PRESIDENT :

We are directed by the House of Representatives to inform the Senate that the hour of 2:30 o'clock having arrived, it being the

hour fixed by the House of Representatives, and the Senate, to meet in joint convention, to hear the biennial message of his Excellency, Governor Baker, and that the House is now ready to receive the Senate, and we are here to escort the Senate to the Hall of the House.

The Senate, preceded by the President, proceeded to the Hall of the House,

JOINT CONVENTION.

The Joint Convention was called to order by the President of the Senate, when the Governor read his message.

The President then declared that the business for which the two Houses had met in joint convention had been concluded, and the joint convention was adjourned without day.

The Senate re-assembled in their chamber.

Mr. Dwiggins offered the following resolution :

Resolved by the Senate, the House of Representatives concurring, That there be ten thousand copies of the Governor's message, and accompanying documents printed. One thousand thereof to be printed in German, and nine thousand in English. That one thousand copies of the same be delivered to the Governor for his private use. Five thousand, five hundred copies of the same be delivered to the members of the House of Representatives, and the remainder be delivered to the members of the Senate.

By unanimous consent of the Senate, Mr. Gregg introduced Senate bill No. 169, an act authorizing the organization of voluntary associations, and prescribing their duties and powers.

Which was read a first time.

By unanimous consent of the Senate, Mr. Taylor introduced Senate Bill No. 170.

A bill making appropriation to Purdue University.

Which was read a first time.

By unanimous consent of the Senate, Mr. Orr introduced Senate Bill No. 171. An Act to protect the elections of voluntary, political associations, and to punish frauds therein, and declaring an emergency.

Which was read a first time.

By unanimous consent of the Senate, Mr. Dittemore introduced Senate Bill No. 172. An Act regulating the fees of officers, and repealing former acts in relation thereto.

Which was read a first time.

Mr. Dittemore moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that the bill be read a second time by title.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were

Messrs. Beardsley, Beggs, Bird, Boon, Bowman, Brown, Bunyan, Carnahan, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Glessner, Gooding, Gregg, Hall, Harney, Haworth, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams, Winterbotham, and Mr. President.
—42.

No Senator voting in the negative.

So the rule was suspended, and Senate Bill No. 172 was read a second time by title.

Mr. Dittemore moved that the bill do lie on the table, and two hundred copies ordered printed.

Which motion was agreed to.

The President announced the following committee, on the propriety of employing an official reporter for the Senate, and the best measure of publishing the report.

The committee consists of Senators Dwiggin, Gooding, Thompson, Slater, and Daugherty, as heretofore provided for by resolution.

Mr. Thompson moved to print two hundred copies of Senate Bill No. 61.

Which motion was agreed to.

Mr. Glessner moved to take up Senate Bill No. 9, and make it the special order for Tuesday next, at 2 o'clock P. M.

Messrs. Slater and Glessner demanded the ayes and noes,

Those who voted in the affirmative were, Messrs. Bird, Bowman, Brown, Carnahan, Collett, Daugherty, Dwiggins, Glessner, Gooding, Gregg, Hubbard, O'Brien, Rhodes, Ringo, Sarnighausen, Slater, Smith, Steele, Stroud, Taylor, Wadge, Williams, and Mr. Winterbotham.—23.

Those who voted in the negative were Messrs. Beardsley, Boone, Bunyan, Daggy, Friedley, Harney, Haworth, Howard, Miller Neff, Oliver, Orr, Scott, Sleeth, Thompson, and Mr. President.—16.

So the motion prevailed, and Senate Bill No. 9. An Act fixing the salaries of the Judges of the Supreme, Superior, Circuit, Criminal, and Common Pleas Courts of this State, providing how the salaries shall be paid, repealing all laws or parts of laws in conflict therewith, and declaring an emergency, was taken up and made the special order for Tuesday next, at 2 o'clock P. M.

Messrs. Thompson and Hough asked and obtained leave of absence until Monday next, at 2 o'clock P. M.

Mr. Dwiggins, from Select Committee, submitted the following report:

MR. PRESIDENT:

The Select Committee on employees of the Senate, after consultation, have directed me to make the following report: That Senate Bill No. 168, be amended so that the Doorkeeper be allowed three additional employees. One to take charge of the Enrolling Room and the Committee Room on the left of the Sen

ate Chamber, and do and perform such other duties as the Door-keeper may direct. One to be stationed in the East Lobby and one in the West Lobby, and perform such other duties as the Door-keeper may require. Also amend said bill so as to provide one message for the Senate Committees, who shall perform such duties as the committees may direct, and when said bill is so amended, your committee are of the opinion that the same should pass.

On motion by Mr. Daggy, the Senate adjourned.

SATURDAY MORNING.

JANUARY 11, 1873, 10 o'clock.

The Senate met.

Pending the reading of the journal Mr. Daggy moved to dispense with the further reading of the same.

Which was agreed to.

Message from the House by Mr. Nixon, Clerk thereof:

Mr. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, to-wit:

Resolved, by the House of Representatives, the Senate concurring,
That the two Houses will meet in joint convention, in the hall of the House of Representatives, at 2 o'clock p. m. to-day, for the purpose of electing one of the Presidents of the Board of Commissioners of Benevolent Institutions, one trustee of Blind Asylum, one trustee of Deaf and Dumb Asylum, one trustee of Insane Asylum, one Canal trustee, one State Librarian, three

directors for the State Prison, South, three directors for the State Prison, North, one trustee for the Soldiers' Home.

Message from the House by Messrs. North and Baker, members thereof, inviting the Senate to meet the House in joint convention to canvass the vote for Governor and Lieutenant Governor.

Which invitation was accepted, and the Senate proceeded to the hall of the House of Representatives.

The Senate, preceded by the President, repaired to the Hall of the House of Representatives.

JOINT CONVENTION.

The convention was called to order by the President of the Senate, who announced—

We have assembled in joint convention under the provisions of section (4) four, article (5) five, of the Constitution of the State of Indiana, which reads as follows:

SEC. 4. In voting for Governor and Lieutenant Governor, the electors shall designate for whom they vote as Governor, and for whom they vote as Lieutenant Governor.

The returns of every election for Governor and Lieutenant Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both Houses of the General Assembly.

The Speaker of the House of Representatives, will now proceed to open and publish the returns for the election of Governor and Lieutenant Governor of the State of Indiana.

The Speaker of the House of Representatives, then, in presence of both Houses of the General Assembly, proceeded to open the returns.

The official vote of Indiana for Governor and Lieutenant Governor, cast at the October election, 1872, as corrected and compared in the House of Representatives by the General Assembly on the 11th day of January, A. D. 1873:

The Official Vote of the State—1872.

The Official Vote of the State—1872—Continued

COUNTIES.	T. A. Hendricks.	T. M. Brown.	Samuel Falkenburgh	A. P. Edgerton.	J. R. Craven.	L. Sexton.	W. H. Kendrick.	Green Durbin.
Spencer.....	2,245	2,177	.....	.....	2,230	2,186	.....	.....
Stark.....	472	393	.....	.....	471	396	.....	.....
St. Joseph.....	2,796	3,295	.....	.....	2,788	3,299	.....	.....
Steuben.....	959	1,834	.....	1	954	1,838	.....	1
Sullivan.....	2,547	1,330	.....	.....	2,527	1,335	.....	.....
Switzerland	1,297	1,485	.....	.....	1,289	1,480	.....	.....
Tippecanoe.....	3,762	4,169	.....	.....	3,744	4,187	.....	1
Tipton.....	1,509	1,297	.....	.....	1,502	1,291	.....	.....
Union	728	940	.....	3	718	941	.....	3
Vanderburgh.....	3,660	4,070	.....	.....	3,630	4,065	.....	.....
Vermillion.....	929	1,316	.....	.....	922	1,320	.....	.....
Vigo.....	3,826	4,010	.....	.....	3,804	4,015	.....	.....
Wabash.....	1,898	3,008	.....	.....	1,886	3,018	.....	.....
Warren.....	972	1,518	.....	5	970	1,517	.....	4
Warrick	2,020	1,711	.....	.....	2,004	1,718	.....	.....
Washington	2,064	1,624	.....	1	2,047	1,628	.....	1
Wayne.....	3,060	4,694	.....	.....	3,017	4,735	.....	.....
Wells.....	1,719	1,287	.....	10	1,716	1,284	.....	11
White	1,290	1,288	.....	2	1,286	1,290	.....	2
Whitley.....	1,826	1,429	.....	.....	1,824	1,432	.....	.....
Total No. of votes	189,424	188,276	28	183	188,292	188,722	32	221
Majorities	1,148					430		

When it appeared that Thomas M. Brown had received 188,276 votes, Thomas A. Hendricks had received 189,424 votes, Samuel Falkenburgh had received 28 votes, and Alfred P. Edgerton had received 183 votes.

Thomas A. Hendricks having received the highest number of all the votes cast, was, by the President of the Senate, in both Houses of the General Assembly of the State of Indiana, declared duly elected Governor of the State of Indiana, to serve as such for the term of four years; from and after the second Monday in January, A. D. 1873.

For the office of Lieutenant Governor it appeared from the returns aforesaid, Leonidas Sexton has received 188,722 votes; John R. Cravens has received 188,292 votes; William H. Kendrick has received 32 votes, and Green Durbin has received 221 votes.

Leonidas Sexton having received the highest number of all votes cast, was, by the Speaker of the House of Representatives, in presence of both Houses of the General Assembly, declared duly elected Lieutenant Governor of the State of Indiana, for the term of four years, from and after the second Monday of January, A. D. 1873.

By unanimous consent Mr. Cauthorn offered the following :

WHEREAS, The day designated by the Constitution of the State for the inauguration of Governor is rapidly approaching ; and,

WHEREAS, The result of the recent elections for that high office, as just announced by the President of the Joint Convention, admonishes us that there will be a change in the executive office of the State ; and,

WHEREAS, The present Executive has nearly completed his official record as such officer, and the same is now a part of the history of the State, and is a proper subject for comment by his fellow-citizens ; therefore,

Resolved, By the Senate and House of Representatives in Joint Convention Assembled, That we recognize the patriotism, integrity, ability and efficiency of his Excellency Conrad Baker.

Resolved, That the administration of the executive office of the State by his Excellency has been characterized by distinguished ability, and will long be remembered by the people of the State as a bright and glorious period in her history.

Resolved, That his Excellency in his retirement from office will take with him the good wishes of the people of the State, without distinction of party, with united voice are ready to exclaim with reference to his positive acts, " Well done, thou good and faithful servant." Which resolution was adopted.

The President announced that the business for which the two Houses of the General Assembly had met in joint convention, was concluded, and declared that the convention do adjourn without day.

The Senate re-assembled in their chamber.

Mr. Dwiggins moved that the Senate take a recess until 2 o'clock p. m.

Which was agreed to.

AFTERNOON SESSION.

The Senate re-assembled at 2 o'clock, P. M.

Mr. Neff, from the select committee, submitted the following report :

MR. PRESIDENT :

The special committee to whom was referred the resolution of inquiry as to the number of newspapers to be taken by the Senate for the use of the members thereof, to be paid for out of the State Treasury would report as follows :

At the last session of the General Assembly a law was enacted increasing the pay of Members of the Legislature from five to eight dollars per day, with a prohibitory provision against the State furnishing stationery to members at the expense of the public treasury. Your committee would further state that by a liberal construction of the law referred to, it embraces in the word "stationery" newspapers. Therefore they deem it not only unlawful but impolitic to contract for any number of newspapers for the use of members, to be paid out of the public treasury, as the per diem of members is now ample.

Mr. Gooding moved to lay the whole matter on the table.

Which was agreed to.

Mr. Gooding moved to take up the message from the House containing invitation to the Senate to meet the House in joint convention in the hall of the House of Representatives, and proceed to the election of the following officers :

One of the presidents of the Board of Commissioners of Benevolent Institutions. One Trustee of Blind Asylum. One Trustee of Deaf and Dumb Asylum. One trustee of Insane Asylum. One Canal Trustee. One State Librarian. Three Directors for the State Prison South. Three Directors for the State Prison North. One Trustee for the Soldiers' Home.

Which motion was agreed to.

The question being on the adoption of the concurrent resolution, Mr. Williams offered the following amendment :

Amend by striking out "three" and inserting "two" for the Southern State Prison Directors.

Mr Gooding moved to lay the amendment on the table.

Messrs. Slater and Williams demanded the ayes and noes.

Those who voted in the affirmative were Messrs. Beardsley,

Brown, Bunyan, Collett, Daggy, Dwiggin, Friedley (of Scott), Gooding, Haworth, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Rhodes, Scott, Sleeth, Steele, Taylor, Wadge, and Mr. President—24.

Those who voted in the negative were Messrs, Bird, Bowman, Carnahan, Daugherty, Dittemore, Fuller Francisco, Glessner, Gregg, Hall, Harney, Ringo, Sarnighausen, Slater, Smith, Stroud, Williams and Winterbotham—18.

So the motion to lay the amendment on the table prevailed.

Mr. Dittemore offered the following:

Resolved, That the mileage of the Senators for the regular session of 1873 be the same as ascertained at the special session.

Which was adopted.

Mr. Taylor presented the following from the citizens of Tippecanoe county: A petition asking for a law to prohibit the traffic in intoxicating liquors.

Which petition was laid on the table until the standing committees are appointed.

Mr. Leroy Cave, Senator from Pike and Dubois, appeared and took his seat.

Message from the House by Messrs. Kimball and Cauthorn, members thereof.

MR. PRESIDENT:

The time having arrived for the joint convention, as fixed by the resolution of the two Houses of the General Assembly, we are directed by the House of Representatives to inform the Senate that the House is ready to receive the Senate.

The Senate preceded by the President repaired to the Hall of the House of Representatives.

JOINT CONVENTION.

The joint convention was called to order by the President of the

Senate, who announced that the two Houses of the General Assembly have met in joint convention pursuant to a resolution to elect one President of the Board of Commissioners of Benevolent Institutions, one Trustee of the Blind Asylum, one Trustee of the Institution for the education of the Deaf and Dumb, one Trustee for the Institution for the Insane, one Canal Trustee, one State Librarian, three Directors for the State Prison South and three Directors for the State Prison North, and one Trustee for the Soldiers' Home.

Nominations for President of the Board of Commissioners of Benevolent Institutions: Mr. Kimball put in nomination for that office, P. H. Jamieson. Mr. Hall put in nomination James S. Athon.

Those who voted on the part of the Senate for Mr. Jamieson were,

Messrs. Beardsley, Brown, Bunyan, Collett, Daggy, Dwiggin, Friedley, Gooding, Haworth, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Rhodes, Scott, Sleeth, Steele, Taylor, Thompson, Wadge, and President—23.

Those who voted for Mr. Jamieson on the part of the House were,

Messrs. Billingsley, Branham, Broadus, Butterworth, Butts, Clark, Cobb, Cole, Cowgill, Crumpacker, Edwards (of Lawrence), Eward, Furnas, Gifford, Glasgow, Gordie Gronendyke, Hardesty, Hatch, Hendrick, Hollingsworth, Johnson, Kimball, King, Kirkpatrick, Lenfesty, Lent, Mellett, Miller, North, Odle, Ogden, Prentiss, Reeves, Riggs, Satterwhite, Scott, Thayer, Tingley, Thompson (of Elkhart), Thompson (of Spencer), Troutman, Walker, Wesner, Wilson (of Blackford), Wilson (of Ripley), Wolflin, Wood, Woodard, Wynn and Mr. Speaker—51.

Those who voted on the part of the Senate for Mr. Athon were,

Messrs. Bird, Bowman, Cave, Daugherty, Dittemore, Fuller, Francisco, Glessner, Gregg, Hall, Harney, Ringo, Sarnighausen, Slater, Smith, Stroud, Williams and Winterbotham—18.

Those who voted on the part of the House for Mr. Athon were,

Messrs. Anderson, Baker, Barrett, Blocher, Bowser, Brett, Buskirk, Cauthorn, Claypool, Cline, Coffman, Dial, Durham, Eaton,

Ellsworth, Given, Glazebrook, Goble, Gregory, Heller, Henderson, Hoyer, Isenhouer, Jones, Martin, McConnell, McKinney, Peed, Pfrimmer, Reno, Richardson, Rudder, Schmuck, Smith, Spellman, Strange, Teeter, Tulley, Whitworth, Willard and Woolen—32.

Whole number of votes cast.....	134
Necessary to a choice.....	68
P. H. Jamieson recieved.....	74 votes
J. S. Athon received.....	60 “

P. H. Jamieson having received a majority of all the votes cast, was declared duly elected President of the Board of Commissioners of Benevolent Institutions for the term prescribed by law.

Nomination for Trustee of the Blind Asylum being in order, Mr. Kimball put in nomination Mr. John Beard for that office;

Mr. Hall put in nomination for that office Archibald Johnson.

Those on the part of the Senate who voted for Mr. John Beard were,

Messrs. Beardsley, Brown, Bunyan, Collett, Daggy, Dwiggin, Friedley, Gooding, Haworth, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Rhodes, Scott, Sleeth, Steele, Taylor, Thompson, Wadge and Mr. President—23.

Those upon the part of the House who voted for John Beard were,

Messrs. Billingsley, Branham, Broadus, Butterworth, Butts, Clark, Cobb, Cole, Cowgill, Crumpacker, Edwards (of Lawrence), Eward, Furnas, Gifford, Glasgow, Goudie, Gronendyke, Hardesty, Hatch, Hendrick, Hollingsworth, Johnson, Kimball, King, Kirkpatrick, Lenfesty, Lent, Millett, Miller, North, Odle, Ogden, Prentiss, Reeves, Riggs, Satterwhite, Scott, Thayer, Tingley, Thompson (of Elkhart), Thompson (of Spencer), Troutman, Walker, Wesner, Wilson (of Blackford,) Wilson (of Ripley), Wolflin, Wood, Woodard, Wynn, and Mr. Speaker—51.

Those who voted for Mr. Archibald Johnson on the part of the Senate were,

Messrs. Bird, Bowman, Cave, Daugherty, Dittemore, Fuller, Francisco, Glessner, Gregg, Hall, Harney, Ringo, Sarnighausen, Slater, Smith, Stroud, Williams and Winterbotham—18.

Those upon the part of the House who voted for Mr. Johnson were,

Messrs. Anderson, Baker, Barker, Barrett, Blocher, Bowser, Brett, Buskirk, Cauthorn, Claypool, Cline, Coffman, Dial, Durham, Eaton, Ellsworth, Given, Glassbrook, Goble, Gregory, Heller, Henderson, Hoyer, Isenhouer, Jones, Martin, McConnell, McKinney, Peed, Pfrimmer, Reno, Richardson, Rudder, Schmuck, Smith, Spellman, Strange, Teeter, Tulley, Whitworth, Willard and Woolen—42.

Whole number of votes cast.....	134
Necessary to a choice.....	68
John Beard received.....	74 votes
Archibald Johnson.....	60 “

John Beard having received a majority of all the votes cast, was declared duly elected as a Trustee for the Blind Asylum, for the term as prescribed by law.

Nominations for Trustee of the Institute for the education of the Deaf and Dumb, being in order,

Mr. Kimball put in nomination for that office Mr. Jesse R. Brown.

Mr. Hall put in nomination for that office Benjamin F. Spawn.

Those who voted for Dr. J. R. Brown on the part of the Senate were

Messrs. Beardsley, Brown, Bunyan, Collett, Daggy, Dwiggins, Friedley, Gooding, Haworth, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Rhodes, Scott, Sleeth, Steele, Taylor, Thompson, Wadge and Mr. President—23.

Those who voted on the part of the House of Representatives for J. R. Brown were,

Messrs. Billingsley, Branham, Broadus, Butterworth, Butts, Clark, Cobb, Cole, Cowgill, Crumpacker, Dial, Edwards (of Lawrence), Eward, Gifford, Glasgow, Gordie, Gronendyke, Hardesty, Hatch, Hendrick, Hollingsworth, Johnson, Kimball, King, Kirkpatrick, Lenfesty, Lent, Mellett, Miller, North, Odle, Ogden, Prentiss, Reeves, Riggs, Satterwhite, Scott, Thayer, Tingley, Thompson (of Elkhart), Thompson (of Spencer), Troutman, Walker, Wesner, Wilson (of Blackford), Wilson (of Ripley), Wolflin, Wood, Woodard, Wynn and Mr. Speaker—51.

Those who voted for Dr. B. F. Spawn on the part of the Senate were

Messrs. Bird, Bowman Cave, Daugherty, Dittemore, Fuller, Francisco, Glessner, Gregg, Hall, Harney, Ringo, Sarnighausen, Slater, Smith, Stroud, Williams, and Winterbotham—18.

Those who voted on the part of the House of Representatives for Mr. Spawn were

Messrs. Anderson, Baker, Barker, Barrett, Blocher, Bowser, Brett, Buskirk, Cawthorn, Claypool, Cline, Coffman, Durham, Eaton, Ellsworth, Given, Glazebrook, Goble, Gregory, Heller, Henderson, Hoyer, Isenhouer, Jones, Martin, McConnell, McKinney, Peed, Pfrimmer, Reno, Richardson, Rudder, Schmuck, Smith, Spellman, Strange, Teeter, Tulley, Whitworth, Willard, Woolen—41.

Whole number of votes cast.....	133
Necessary to a choice.....	67
Jesse R. Brown received..	74 votes
Benjamin F. Spawn.....	59 “

Jesse R. Brown having received a majority of all the votes cast was declared duly elected Trustee of the Institution for the education of the Deaf and Dumb for the term as prescribed by law.

Nominations for Trustee of the Institution for the Insane being in order, Mr. Kimball nominated for that office George F. Chittenden.

Mr. Hall put in nomination H. S. Parmenter.

Those who voted on the part of the Senate for George F. Chittenden were

Messrs. Beardsley, Brown, Bunyan, Collett, Daggy, Dittemore, Dwiggins, Friedley, Gooding, Haworth, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Rhodes, Scott, Sleeth, Steele, Taylor, Thompson, Wadge and Mr. President—24.

Those upon the part of the House who voted for Mr. Chittenden were

Messrs. Billingsley, Branham, Broadus, Butterworth, Butts, Clark, Cobb, Cole, Cowgill, Crumpacker, Edwards (of Lawrence), Eward, Furnas, Gifford, Glasgow, Gordie, Gronendyke, Hardesty, Hatch, Hendrick, Hollingsworth, Johnson, Kimball, King, Kirkpatrick, Lenfesty, Lent, Mellett, Miller, North, Odle, Ogden, Pren-

tiss, Reeves, Riggs, Satterwhite, Scott, Thayer, Tingley, Thompson (of Elkhart), Thompson (of Spencer), Troutman, Walker, Wesner, Wilson (of Blackford), Wilson (of Ripley), Wolflin, Wood, Woodard, Wynn, and Mr. Speaker—51.

Those who voted on the part of the Senate for Mr. Parmenter were,

Messrs. Bird, Bowman, Cave, Daugherty, Fuller, Francisco, Glessner, Gregg, Hall, Harvey, Ringo, Sarnighausen, Slater, Smith, Stroud, Williams and Mr. Winterbotham—17.

Those upon the part of the House who voted for Mr. Parmenter were,

Messrs. Anderson, Baker, Barker, Barrett, Blocher, Bowser, Brett, Buskirk, Cauthorn, Claypool, Cline, Coffman, Dial, Durham, Eaton, Ellsworth, Given, Glazebrook, Goble, Gregory, Heller, Hoyer, Isenhouer, Jones, Martin, McConnell, McKinney, Peed, Pfrimmer, Reno, Richardson, Rudder, Schmuck, Smith, Spellman, Strange, Teeter, Tulley, Whitworth, Willard and Woolen—41.

Whole number of votes cast.....	143
Necessary to a choice.....	72
George F. Chittenden received.....	75 votes
H. S. Parmenter received.....	58 "

G. F. Chittenden having received a majority of all the votes was declared duly elected Trustee of the Institution for the Insane for the term as prescribed by law.

Nomination for the Canal Trustee being in order Senator Williams moved that the joint convention elect a Canal Trustee by ballot.

The motion was declared out of order by the President.

Mr. Kimball put in nomination for that office James S. Hinton.

Mr. Hall put in nomination for that office Cyrus T. Nixon.

Those who voted on the part of the Senate for Mr. James S. Hinton were

Messrs. Beardsley, Brown, Bunyan, Collett, Daggy, Dwiggins,

Friedley, Gooding, Haworth, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Rhodes, Scott, Sleeth, Steele, Taylor, Thompson, Wadge and Mr. President—23.

Those who voted on the part of the House for Mr. James S. Hinton, were,

Messrs. Billingsley, Broadus, Butterworth, Butts, Clark, Cobb Cole, Cowgill, Crumpacker, Edwards (of Lawrence), Eward, Furnas, Gifford, Glasgow, Goudie, Gronendyke, Hardesty, Hatch, Hendrick, Hollingsworth, Johnson, Kimball, King, Kirkpatrick, Lenfesty, Mellett, Miller, North, Odle, Ogden, Prentiss, Reeves, Riggs, Satterwhite, Scott, Thayer, Tingley, Thompson (of Elkhart), Thompson (of Spencer), Troutman, Walker, Wesner, Wilson (of Blackford), Wilson (of Ripley), Wolfin, Wood, Woodard, Wynn and Mr. Speaker—49.

Those who voted on the part of the Senate for Mr. Cyrus T. Nixon were,

Messrs. Bird, Bowman, Cave, Daugherty, Dittemore, Fuller, Francisco, Gregg, Hall, Harney, Ringo, Sarnighausen, Slater, Smith, Stroud, Williams and Winterbotham—17.

Those who voted on the part of the House for Mr. Cyrus T. Nixon were,

Messrs. Anderson, Baker, Barker, Barrett, Blocher, Bowser, Brett, Buskirk, Cauthorn, Claypool, Cline, Coffman, Dial, Durham, Eaton, Ellsworth, Given, Glazebrook, Goble, Gregory, Heller, Henderson, Hoyer, Isenhauer, Jones, Martin, McConnell, McKinney, Peed, Pfrimmer, Richardson, Rudder, Schmuck, Smith, Spellman, Strange, Teeter, Tulley, Whitworth, Willard and Woollen—41.

Whole number of votes cast.....	129
Necessary to a choice.....	65
James S. Hinton received.....	71 votes
Cyrus T. Nixon received.....	58 "

James S. Hinton having received a majority of all the votes cast was declared duly elected Canal Trustee for the term as prescribed by law.

Nominations for State Librarian being in order, Mr. Kimball put in nomination for that office Mrs. Sarah A. Oren.

Mr. Hall put in nomination for that office James De Sanno.

On the part of the Senate, those who voted for Mrs. S. A. Oren were,

Messrs. Beardsley, Brown, Bunyan, Collett, Daggy, Dwiggin, Friedley (of Scott), Gooding, Haworth, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Rhodes, Scott, Sleeth, Steele, Taylor, Thompson, Wadge and Mr. President—23.

On the part of the House those who voted for Mrs. S. A. Oren were,

Messrs. Billingsley, Branham, Broadus, Butterworth, Butts, Clark, Cobb, Cole, Crumpacker, Cowgill, Edwards (of Lawrence), Eward, Furnas, Gifford, Glasgow, Goudie, Gronendyke, Hardesty, Hatch, Hendrick, Hollingsworth, Johnson, Jones, Kimball, King, Kirkpatrick, Lenfesty, Lent, Mellett, Miller, North, Odle, Ogden, Prentiss, Reeves, Riggs, Satterwhite, Schmuck, Scott, Thayer, Thompson (of Elkhart), Thompson (of Spencer), Troutman, Walker, Wesner, Wilson (of Blackford), Wilson (of Ripley), Wolflin, Wood, Woodard, Wynn and Mr. Speaker—52.

On the part of the Senate those who voted for Mr. James De Sanno were,

Messrs. Bird, Bowman, Cave, Daugherty, Dittemore, Fuller, Francisco, Gregg, Hall, Harney, Ringo, Sarnighausen, Slater, Smith, Stroud, Williams and Mr. Winterbotham—17.

On the part of the House those who voted for Jas. De Sanno were,

Messrs. Anderson Baker, Barker, Barrett, Blocher, Bowser, Brett, Buskirk, Cauthorn, Claypool, Cline, Coffman, Dial, Durham, Eaton, Ellsworth, Given, Glazebrook, Hoyer, Isenhouer, Martin, McConnell, McKinney, Pfrimmer, Richardson, Rudder, Smith, Strange, Teeter, Tulley, Whitworth, Willard and Woolen,—33.

Whole number of votes cast.....	125
Necessary to a choice.....	63
Mrs. Sarah A. Oren received	75 votes
James De Sanno received.....	50 "

Mrs. Sarah A. Oren having received a majority of all the votes cast was declared duly elected State Librarian for the term as prescribed by law.

Nominations for Directors of the State Prison South being in order, Mr. Kimball put in nomination for that office B. F. Hill, to succeed Robert S. Heiskel.

Mr. Hall put in nomination for that office, Mr. H. T. Sage.

Those who voted on the part of the Senate for Mr. B. F. Hill were,

Messrs. Beardsley, Brown, Bunyan, Collett, Daggy, Dwiggins, Friedley (of Scott), Gooding, Haworth, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Rhodes, Scott, Sleeth, Steele, Taylor, Thompson, Wadge and Mr. President—23.

Those who voted on the part of the House for Mr. B. F. Hill were,

Messrs. Billingsley, Branham, Broadus, Butterworth, Butts, Clarke, Cobb, Cole, Cowgill, Crumpacker, Edwards (of Lawrence), Eward, Furnas, Gifford, Glasgow, Goudie, Gronendyke, Hardesty, Hatch, Hendrick, Hollingsworth, Johnson, Kimball, King, Kirkpatrick, Lenfesty, Lent, Mellett, Miller, North, Odle, Ogden, Prentiss, Reeves, Riggs, Satterwhite, Scott, Thayer, Tingley, Thompson (of Elkhart), Thompson (of Spencer), Troutman, Walker, Wesner, Wilson (of Blackford), Wilson (of Ripley), Wolflin, Wood, Woodard, Wynun and Mr. Speaker—51.

Those who voted on the part of the Senate for Mr. H. T. Sage were,

Messrs. Bird, Bowman, Cave, Daugherty, Fuller, Francisco, Gregg, Hall, Harney, Ringo, Sarnighausen, Slater, Smith, Stroud, Williams and Winterbotham—16.

Those who voted on the part of the House for Mr. H. T. Sage were,

Messrs. Baker, Barker, Barrett, Blocher, Bowser, Brett, Buskirk, Cauthorn, Claypool, Cline, Coffman, Dial, Durham, Eaton, Ellsworth, Given, Glazebrook, Goble, Gregory, Heller, Hoyer, Jones, McConnell, McKinney, Pfrimmer, Richardson, Rudder, Schmuck, Smith, Spellman, Strange, Teeter, Tulley, Whithworth, Willard and Woolen—36.

Whole number of votes cast.....	126
Necessary to a choice.....	64
B. F. Hill received.....	74 votes
H. T. Sage.....	52 "

B. F. Hill having received a majority of all the votes cast, was declared duly elected Director of the State Prison South, to succeed Robert S. Heiskel for the term as prescribed by law.

Mr. Kimball put in nomination A. L. Munson to succeed H. W. Curry.

Mr. Hall put in nomination R. T. Brown.

On the part of the Senate those who voted for A. L. Munson were,

Messrs. Beardsley, Bunyan, Collett, Daggy, Dwiggin, Friedly (of Scott), Gooding, Haworth, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Rhodes, Scott, Sleeth, Steele, Taylor, Thompson, Wadge and Mr. President—22.

Those voting on the part of the house for Mr. A. L. Munson were,

Messrs. Billingsley, Branham, Broadus, Butterworth, Butts, Clark, Cobb, Cole, Cowgill, Crumpacker, Edwards (of Lawrence), Eward, Furnas, Gifford, Glasgow, Goudie, Gronendyke, Hardesty, Hatch, Hendrick, Hollingsworth, Johnson, Kimball, King, Kirkpatrick, Lenfesty, Lent, Mellett, Miller, North, Odle, Ogden, Prentiss, Reeves, Riggs, Satterwhite, Scott, Thayer, Tingley, Thompson (of Elkhart), Thompson (of Spencer), Troutman, Walker, Wesner, Wilson (of Blackford), Wilson (of Ripley), Wolfkin, Wood, Woodard, Wynn and Mr. Speaker—51.

Those who voted for R. T. Brown on the part of the Senate were,

Messrs. Bird, Bowman, Brown, Cave, Fuller, Francisco, Gregg, Hall, Harney, Ringo, Sarnighausen, Slater, Stroud, Williams and Winterbotham—15.

Those voting on the part of the House for R. T. Brown were,

Messrs. Baker, Barker, Barrett, Blocher, Bowser, Brett, Buskirk, Cauthorn, Claypool, Cline, Coffman, Dial, Durham, Ellsworth,

Given, Glazebrook, Goble, Heller, Hoyer, McConnell, McKinney, Peed, Pfrimmer, Rudder, Schmuck, Spellman, Strange, Teeter, Whitworth, Willard and Woollen—31.

Whole number of votes cast.....	119
Necessary to a choice.....	60
A. L. Munson received.....	73 votes
R. T. Brown received.....	46 "

A. L. Munson having received a majority of all the votes cast was declared duly elected Director of the State Prison South to succeed H. W. Curry for the term as prescribed by law.

Mr. Kimball put in nomination S. T. Platt, to succeed John Kirk.

There being no further nominations.

On the part of the Senate those who voted for S. T. Platt were,

Messrs. Beardsley, Bunyan, Collett, Daggy, Dwiggin, Friedley (of Scott), Gooding, Haworth, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Rhodes, Scott, Sleeth, Steele, Taylor, Thompson, Wadge and Mr. President—22.

On the part of the House those who voted for S. T. Platt were,

Messrs. Billingsley, Branham, Broadus, Butterworth, Butts, Clark, Cobb, Cole, Cowgill, Crumpacker, Edwards (of Lawrence), Eward, Furnas, Gifford, Goudie, Gronendyke, Hardesty, Hatch, Hendrick, Hollingsworth, Johnson, Kimball, King, Kirkpatrick, Lenfesty, Lent, Mellett, Miller, North, Odle, Ogden, Prentiss, Reeves, Riggs, Satterwhite, Schmuck, Scott, Thayer, Tingley, Thompson (of Elkhart), Thompson (of Spencer), Troutman, Walker, Wesner, Wilson (of Blackford), Wilson (of Ripley), Wolfen, Wood, Woodard, Wynn and Mr. Speaker—51.

On the part of the Senate there were present and not voting,

Messrs. Bird, Bowman, Carnahan, Cave, Daugherty, Dittemore, Fuller, Francisco, Glessner, Gregg, Hall, Harney, Ringo, Slater, Smith, Stroud, Williams and Winterbotham—18.

On the part of the House there were present and not voting,

Messrs. Anderson, Baker, Barker, Barrett, Blocher, Bowser, Brett, Buskirk, Cauthorn, Claypool, Cline, Coffman, Dial, Durham, Eaton, Ellsworth, Given, Glazebrook, Goble, Gregory, Hendrick, Heller, Henderson, Hoyer Isenhouer, Jones, Martin, McConnell, McKinney, Peed, Pfrimmer, Richardson, Rudder, Smith, Spellman, Strange, Teeter, Tulley, Whitworth, Willard and Woollen—41.

Whole number of votes cast.....	73
Necessary to a choice	37
S. T. Platt received.....	73 votes
Present and not voting.....	59

S. T. Platt having received a majority of all the votes cast was declared duly elected Director of the State Prison South, to succeed John Kirk for the term prescribed by law.

Nominations for Directors for the State Prison North.

Mr. Kimball put in nomination R. T. St. John.

Mr. Hall put in nomination Wm. A. Connelly.

Those who voted on the part of the Senate for Mr. R. T. St. John were,

Messrs. Beardsley, Brown, Bunyan, Collett, Daggy, Dwiggin, Friedley (of Scott), Gooding, Haworth, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Scott, Sleeth, Steele, Taylor, Thompson, Wadge, and Mr. President—22.

Those on the part of the House who voted for Mr. R. T. St. John were,

Messrs. Billingsley, Branham, Broadus, Butterworth, Butts, Cauthorn, Clark, Cobb, Cole, Cowgill, Crumpacker, Edwards (of Lawrence), Eward, Furnas, Gifford, Goudie, Gronendyke, Hardesty, Hatch, Hendrick, Hollingsworth, Johnson, Kimball, King, Kirkpatrick, Lenfesty, Lent, Mellett, Miller, North, Odle, Ogden, Prentiss, Reeves, Riggs, Satterwhite, Thayer, Tingley, Thompson (of Elkhart), Thompson (of Spencer), Troutman, Walker, Wesner, Wilson (of Blackford), Wilson (of Ripley), Wolflin, Wood, Woodard, Wynn and Mr. Speaker—50.

Those who voted on the part of the Senate for William Connelly were,

Messrs. Bird, Bowman, Cave, Francisco, Gregg, Hall, Harney, Ringo, Slater, Smith, Williams and Winterbotham—12.

Mr. Armstrong paired with Mr. Hough. Mr. Carnahan paired with Mr. Orr.

Those voting on the part of the House for Mr. W. A. Connelly were,

Messrs. Bowser, Claypool, Cline, Given, Glazebrook, Goble, Heller, McConnell, McKinney, Peed, Reno, Strange, Teeter and Woollen—14.

Members of the House present and not voting were,

Messrs. Dial, Pfrimmer and Willard—3.

Whole number of votes cast.....	98
Necessary to a choice.....	50
R. T. St. John received.....	72 votes
Wm. A. Connelly received.....	26 "
Present and not voting.....	3

R. T. St. John having received a majority of all the votes cast, was declared duly elected Director of the State Prison North for the term as prescribed by law.

Mr. Kimball put in nomination A. W. Smith.

Mr. Winterbotham put in nomination James Smiley.

On the part of the Senate those who voted for A. W. Smith were,

Messrs. Beardsley, Brown, Bunyan, Collett, Daggy, Dwiggin, Friedley (of Scott), Gooding, Haworth, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Scott, Sleeth, Steele, Taylor, Thompson, Wadge and Mr. President—22.

On the part of the House those who voted for A. W. Smith were,

Messrs. Billingsley, Branham, Broadus, Butterworth, Butts, Clark, Cobb, Cole, Crumpacker, Cowgill, Edwards (of Lawrence), Eward, Furnas, Gifford, Goudie, Groneneyke, Hardesty, Hatch, Hendrick, Hollingsworth, Johnson, Kimball, King, Kirkpatrick,

Lenfesty, Lent, Mellet, Miller, North, Odle, Ogden, Prentiss, Reeves, Riggs, Satterwhite, Scott, Thayer, Tingley, Thompson (of Elkhart), Thompson (of Spencer), Troutman, Walker, Wesner, Wilson (of Blackford), Wilson (of Ripley), Wolflin, Wood, Woodard, Wynn and Mr. Speaker—50.

On the part of the Senate those who voted for James Smiley were,

Messrs. Bird, Bowman, Cave, Dittemore, Francisco, Hall Harney, Ringo, Sarnighausen, Slater, Smith, Williams and Winterbotham—13.

On the part of the House those who voted for James Smiley were,

Messrs. Blocher, Cauthorn, Claypool, Cline, Given, Glazebrook, Goble, McConnell, McKinney, Peed, Reno, Strange, Teeter and Mr. Woollen—14.

Those on the part of the House present and not voting were,

Messrs. Baker, Barker, Barrett, Bowser, Dial—5.

Whole number of votes cast.....	99
Necessary to a choice.....	50
A. W. Smith received	72 votes
James Smiley received.....	27 "
Present, not voting	5

A. W. Smith having received a majority of all the votes cast was declared duly elected Director of the State Prison North for the term as prescribed by law.

Mr. Kimball put in nomination A. D. Capron.

Mr. Hall put in nomination W. B. Loughridge.

Those who voted for A. D. Capron on the part of the Senate were,

Messrs. Beardsley, Brown, Bunyan, Collett, Daggy, Dwiggins, Friedley (of Scott), Gooding, Haworth, Howard, Hubbard, Miller, Neff, Oliver, Scott, Sleeth, Steele, Taylor, Wadge and Mr. President—20.

Those voting on the part of the House for Mr. A. D. Capron were,

Messrs. Billingsley, Branham, Broadus, Butterworth, Butts, Clark, Cobb, Cole, Cowgill, Crumpacker, Edwards (of Lawrence), Eward, Furnas, Gifford, Goudie, Gronendyke, Hardesty, Hatch, Hendrick, Hollingsworth, Johnson, Kimball, King, Kirkpatrick, Lenfesty, Lent, Mellett, Miller, North, Odle Ogden, Prentiss, Reeves, Riggs, Satterwhite, Scott, Thayer, Tingley, Thompson (of Elkhart), Thompson (of Spencer), Troutman, Walker, Wesner, Wilson (of Blackford), Wilson (of Ripley), Wolflin, Wood, Woodard, Wynn and Mr. Speaker—50.

Those who voted for Mr. Willis B. Loughridge on the part of the Senate were,

Messrs. Bird, Bowman, Cave, Dittemore, Francisco, Hall, Harney, Ringo, Slater, Smith, Williams and Winterbotham—12.

Those who voted for Mr. Willis B. Loughridge on the part of the House were,

Messrs. Blocher, Bowser, Brett, Cauthorn, Claypool, Cline, Given, Glazebrook, Goble, McConnell, McKinney, Reno, Rudder, Strange, Teeter and Woollen—16.

Those present on the part of the Senate and not voting were,

Messrs. Armstrong, Glessner, Gregg, O'Brien, Rosebrugh and Stroud—6.

Whole number of votes cast.....	98
Necessary to a choice..	50
A. D. Capron received.....	70 votes
Willis B. Loughridge received.....	28 "
Present and not voting.....	6

A. D. Capron having received a majority of all the votes cast was declared duly elected Director of the State Prison North, for the term as prescribed by law.

Nominations for Trustee of the Soldiers' Home being in order Mr. Kimball put in nomination for that office Wm. T. Hanaman.

Mr. Winterbotham put in nomination for that office Fred, Slater.

Those on the part of the Senate voting for Mr. Wm. Hanaman were,

Messrs. Beardaley, Bunyan, Collett, Daggy, Dwiggin, Friedley (of Scott), Sleeth, Steele, Taylor, Thompson, Wadge and Mr. President—12.

Those who voted on the part of the House for Mr. Wm. Hanaman were,

Messrs. Billingsley, Branham, Broadus, Butterworth, Butts, Clark, Cobb, Cole, Cowgill, Crumpacker, Edwards (of Lawrence), Eward, Furnas, Gifford, Goudie, Gronendyke, Hardesty, Hatch, Hendrick, Hollingsworth, Johnson, Kimball, King, Kirkpatrick, Lenfesty, Lent, Mellet, North, Odle, Ogden, Prentiss, Reeves, Riggs, Satterwhite, Scott, Thayer, Tingley, Thompson (of Elkhart), Thompson (of Spencer), Troutman, Walker, Wesner, Wilson (of Blackford), Wilson (of Ripley), Wolflin, Wood, Woodward, Wynn and Mr. Speaker—49.

Those who voted on the part of the Senate for Mr. Frederick Slater were,

Messrs. Bird, Bowman, Hall, Harney, Rosebrugh, Slater, Smith, Stroud, Williams and Winterbotham—10.

Those who voted on the part of the House for Mr. Frederick Slater were,

Messrs. Barker, Bowser, Brett, Cauthorn, Claypool, Cline, Given, Glazebrook, McConnell, McKinney, Reno, Richardson, Rudder, Strange, Teeter and Woollen—16.

Present on the part of the House and not voting were,

Messrs. Anderson, Baker, Barrett, Blocher, Coffman, Eaton Ellsworth and Goble—8.

Whole number of votes cast.....	95
Necessary to a choice.	48
William Hanaman received.....	69 votes
Frederick Slater received....	26 “
Present and not voting on the part of the House.....	8

William Hanaman having received a majority of all the votes cast was declared duly elected Trustee of the Soldiers' Home for the term prescribed by law.

The President announced that the business for which the two Houses of the General Assembly had met in Joint Convention was concluded, and declared that the Joint Convention was adjourned without day.

The Senate re-assembled in its chamber.

On motion by Mr. Sleeth the Senate adjourned until Monday next at 10 o'clock A. M.

MONDAY MORNING.

JANUARY 13, 1873, 10 O'CLOCK.

Senate met.

Pending the reading of the Journal Mr. Dwiggins moved to dispense with the further reading of the same.

Which was agreed to.

Mr. C. W. Chapman, Senator from Kosciusko and Whitley, appeared and took his seat. Mr. William R. Hough, Senator from the counties of Henry and Hancock, appeared and took his seat.

Message from the Governor by Mr. Commons, his Private Secretary.

MR. PRESIDENT :

By direction of the Governor, I have the honor to transmit a communication in relation to the appointment of a Trustee for the State Normal School.

GENTLEMEN OF THE SENATE :

I beg leave to state that in communicating to the Senate at the late Special Session the appointment of Trustees of the

State Normal School, I inadvertently overlooked the fact that the term of Timothy Nicholson, one of the Trustees of said State Normal School, had expired, and to supply that omission, I now nominate and appoint the said Timothy Nicholson Trustee of the Indiana State Normal School, to serve for the term of four years from the 20th day of December, A. D. 1871, and respectfully ask his confirmation.

[Signed]
January 9, 1873.

CONRAD BAKER,
Governor.

Message from the Governor by Mr. Commons, his Private Secretary

MR. PRESIDENT:

By direction of the Governor I have the honor to transmit herewith a communication nominating a commission for the House of Refuge.

GENTLEMEN OF THE SENATE:

I do hereby nominate and reappoint Charles F. Coffin, of Wayne county, Commissioner of the Indiana House of Refuge, to serve as such for the full official term of that office, from and after the 1st day of March, A. D. 1873, that being the expiration of his present term, and respectfully ask his confirmation by the Senate.

[Signed]
January 13, 1873.

CONRAD BAKER,
Governor.

Mr. Dwiggins moved to take up the message from the Governor.

Which was agreed to.

Mr. Dwiggins moved to confirm the appointment of Charles F. Coffin, Commissioner of the House of Refuge.

Messrs. Dittmore and Williams demanded the ayes and noes

Those who voted in the affirmative were, Messrs. Beardsley, Bunyan, Chapman, Collett, Daggy, Dwiggins, Friedley (of Scott), Gooding, Hall, Haworth, Haugh, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Scott, Steele, Wadge and Mr. President—21.

Those who voted in the negative were Messrs. Bird, Bowman, Carnahan, Daugherty, Dittemore, Fuller, Francisco, Ringo, Sarnighausen, Smith, Stroud and Mr. Williams—12.

So the appointment was confirmed.

Mr. Dwiggins moved to confirm the appointment of Timothy Nicholson, Trustee of the State Normal School.

Which was agreed to.

The President announced as the committee provided by law to examine and correct the Journal of the Senate, Messrs. Gooding, Hubbard, Friedley (of Scott), Stroud and Beggs.

Mr. Dittemore introduced Senate bill No. 173, an act to authorize School Trustees of Incorporated towns and cities to sell certain school property within their limits, and providing for the disposition of the proceeds.

Read a first time.

Mr. Neff introduced Senate bill No. 174, an act defining certain misdemeanors and prescribing penalties therefor.

Read a first time.

Mr. Williams introduced Senate bill No. 175, an act regulating the fees of officers and repealing former acts in relation thereto.

Which was read a first time.

Mr. Dwiggins moved to suspend the order of business and take up Senate bill No. 168, a bill supplemental to an act entitled "An act in relation to the organization of the two Houses of the General Assembly, prescribing the number of officers and employees of each House, and regulating their duties, and declaring an emergency.

Which was agreed to, and Senate bill No. 168 was read a second time.

Mr. Dwiggins offered the following amendment:

Amend the bill by adding the following section:

SEC. 2. That the Door-keeper shall be allowed to appoint, when the duties of his office require it, one Assistant Door-keeper in addition to the number now allowed by law, whose duty it shall be to build and keep up the fires in the stoves in the lobbies of the Senate chambers, in the cloak and folding rooms of the Senate chamber, in the enrolling room and in the committee room on the east side of the Senate chamber.

Also amend the bill by numbering section 2 No. 3.

Message from the House by Mr. Nixon, Clerk thereof;

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, to-wit:

Resolved, That a committee of three on the part of the House to act with a similar on the part of the Senate be appointed to wait on the Hon. T. A. Hendricks, Governor elect of Indiana, and ascertain when it will be his pleasure to meet the House and Senate in joint convention for the purpose of being inaugurated as Governor, and delivering his address, and that the Speaker has appointed on such committee on the part of the House, Messrs. Peed, Scott and Mr. Willard.

Also the following resolution :

Resolved, That a committee of three on the part of the House to act with a like committee on the part of the Senate to make proper arrangements and fix the time when the persons designated by the American Womans' Suffrage Association, shall have a respectful hearing before the General Assembly of the State of Indiana, and that the Speaker has appointed on such committee on the part of the House, Messrs. Satterwhite, Glazebrook and Mr. Butterworth.

Mr. Brown moved to suspend the order of business and take up the concurrent Resolution of the House, relating to the Inauguration of the Governor.

Which motion was agreed to.

Mr. Brown moved to amend by inserting the words "Honorable Leonidas Sexton, Governor elect," after the words "Thomas A. Hendricks, Governor elect;" also to strike out the word "his" and insert "their."

Which amendment was adopted.

The question recurring on the adoption of the concurrent Resolution as amended.

It was agreed to.

ORDERED, That the Secretary inform the House of the passage of the Concurrent Resolution.

The President appointed as the committee under said Resolution, Messrs. Williams, Fuller and Steele.

The question being upon the adoption of the amendment offered by Mr. Dwiggins to Senate Bill No. 168.

Mr. Brown offered the following amendment, add the following section :

SECTION 4. "That the standing committees of the Senate shall be allowed one Messenger to be selected by the Chairman of the Senate Committee."

Mr. Brown demanded the the previous question, which was seconded by the Senate.

The question being, shall the main question be now put.

It was so ordered.

The question being upon the adoption of the amendment offered by Mr. Brown.

The amendment was adopted.

The question being upon the adoption of the amendment offered by Mr. Dwiggins.

The amendment was adopted.

Mr. Brown offered the following amendment: Strike out the words, "Chief Engrossing" and "one Chief Enrolling Clerk."

Which was adopted.

Mr. Brown offered the following amendment:

Strike out the words "two copying" and insert the word "one."

Which was adopted.

Mr. Brown moved that the bill be engrossed. The constitutional rule requiring bills to be read on three several days be suspended, and the bill read a third time now.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were Messrs. Beardsley, Bowman, Brown, Bunyan, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggin, Gooding, Gregg, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Sarnighausen, Scott, Steele, Wadge, Winterbotham and Mr. President—26.

Those who voted in the negative were Messrs. Boone, Carnahan, Cave, Fuller, Francisco, Harney, Ringo, Smith and Stroud—9.

So the rule was not suspended.

Senate bill No. 168 was ordered engrossed for a third reading.

Message from the House by Mr. Nixon, Clerk thereof;

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the Senate amendment to the House Concurrent Resolution, with reference to the Joint Committee to wait upon the Governor elect, to make arrangements for his inauguration.

Message from the Governor by Mr. Commons, his Private Secretary.

MR. PRESIDENT :

By direction of the Governor, I have the honor to transmit herewith a communication in relation to an allowance to General W. H. H. Terrell, for services in procuring payment of a claim against the Government.

GENTLEMEN OF THE SENATE :

I neglected to refer to a matter in my regular message which was referred to in the message delivered at the opening of the regular session of 1871, and will be found at page 23 of the pamphlet edition of that message. It has relation to the payment of General W. H. H. Terrell, for his services in procuring the payment of a claim against the General Government for \$23,255. The claim was realized to that amount and paid into the Treasury of the State, and I promised General Terrell that the Senate would pay him a reasonable compensation for his services. I trust the General Assembly will make my promise good by making General Terrell a suitable allowance.

[Signed]

CONRAD BAKER,
Governor.

Mr. Collett asked and obtained leave of absence until Thursday next.

Messrs. O'Brien and Thompson asked and obtained leave of absence indefinitely.

Mr. Hubbard introduced Senate bill No. 176 :

An act supplemental to "An act to establish public libraries," approved February 16, 1852, defining the powers of cities in relation thereto, providing for the collection of fines and forfeitures imposed by library associations and permitting other corporations to take stock in the same.

Which was read a first time.

The President laid before the Senate the following communication from the Governor:

TO THE PRESIDENT OF THE SENATE :

I omitted at the time of the delivery of my message, to submit the report of General John G. Greenawalt, Adjutant General of the State, and to supply that omission, I herewith respectfully transmit one copy of said report to the Senate and another to the House of Representatives.

CONRAD BAKER,
Governor.

Mr. Dittemore moved that the report of the Adjutant General be printed.

Mr. Daggy moved to lay the motion on the table.

Which was not agreed to.

The question recurring on the motion of Mr. Dittemore.

It was agreed to.

Mr. Gooding moved to suspend the order of business and take up Engrossed House Bill No. 198.

Which was agreed.

Engrossed House bill No. 198. A bill to amend sections fifteenth, nineteenth, thirty-first and forty-ninth of an act approved May 12, 1869, entitled, "An act providing for the organization of Savings Banks, and the safe and proper management of their affairs."

Which was read a first time.

Mr. Dwiggins introduced Senate bill No. 177, an act to repeal an act entitled "an act to authorize the consolidation of hydraulic companies and define the powers of such consolidated companies, approved February 22, 1871.

Which was read a first time.

Mr. Rhodes moved to suspend the order of business and take up House bill No. 241.

Which motion was not agreed to.

Mr. Neff moved that the Senate take a recess until 2 o'clock p. m.

Which motion was agreed to.

AFTERNOON SESSION.

The Senate re-assembled at 2 o'clock, p. m.

Message from the Governor by Mr. Commons, his Private Secretary.

MR. PRESIDENT:

By direction of the Governor I have the honor to transmit a communication in relation to the report of the State Prison, and also as to the report of Hon. John H. Farquhar, Secretary of State.

GENTLEMEN OF THE SENATE:

I beg leave to say that I neglected to notice in my regular message the fact that the report of the directors and warden of the State Prison South and also of that of the State Prison North were received and are now in the hands of the Public Printer, and I suggest that a resolution be passed directing the publication of the usual number of copies.

I also beg to state that I this morning received the report of the Hon. John H. Farquhar, Secretary of State, and there being but one copy thereof, I have transmitted it to the House of Representatives.

[Signed]

CONRAD BAKER,
Governor.

Mr. Dittmore moved that the usual number of reports be printed.

Which was agreed to.

Mr. Williams, from the select committee to wait upon the Governor, submitted the following report:

MR. PRESIDENT :

Your Committee, on the part of the Senate, to meet with a similar committee on the part of the House, to inform the Governor and Lieutenant Governor of their election, to know at what time it would suit the Governor to deliver his inaugural address, have performed that duty and would report that 2:30 o'clock P. M. to-day is the time appointed by his Excellency.

Your committee also called at the Sherman House, the usual boarding house of the Governor elect when in the city, left a communication notifying him of the time of meeting of the two Houses of the General Assembly to hear the inaugural address of the Governor elect, and to administer the oath of office to the Lieutenant Governor elect.

Which report was concurred in.

Mr. Neff introduced Senate bill No. 178, an act regulating the fees and salaries of certain officers therein named.

Which was read a first time.

Mr. Cave introduced Senate bill No. 179, an act to amend section seven of an act entitled "An act to provide for a general system of common schools, the officers thereof and their respective powers and duties and matters properly connected therewith, and prescribing the fees of certain officers therein named and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith providing penalties therein prescribed."

Which was read a first time.

Mr. Harney introduced Senate bill No. 180, an act making the township trustee of each civil township superintendent of roads and highways in his township and prescribing his duties thereto, and fixing a committee road tax in lieu of road labor and repealing all laws in conflict with this act.

Which was read a first time.

Message from the House by Messrs. Kirkpatrick and Tully, members thereof:

Mr. PRESIDENT :

We are directed by the House of Representatives to inform the Senate that the House is ready to receive the Senate to participate in the inauguration of Governor and Lieutenant Governor.

The Senate, preceded by the President, repaired to the hall of the House.

JOINT CONVENTION.

The convention was called to order by the President of the Senate, who announced that the vote for Governor and Lieutenant Governor for the State of Indiana having been opened by the Speaker of the House of Representatives in pursuance with the law, and Thomas A. Hendricks having received the highest number of votes for Governor for the State of Indiana, and Leonidas Sexton having received the highest number of votes for the office of Lieutenant Governor for the State of Indiana, and having been declared duly elected Governor and Lieutenant Governor, the two Houses of the General Assembly of the State of Indiana have met in joint convention to proceed to the inauguration of Governor and Lieutenant Governor.

Mr. Cauthorn moved that a committee of three, one from the Senate and two from the House, be appointed to wait upon the Governor and Lieutenant Governor elect, and inform them that the General Assembly were now ready to proceed with their inauguration.

The following were appointed as such committee: Senator Williams and Representatives Cawthorn and Glasgow.

Prayer was made by Rev. Dr. Bayliss. The Hon. Thomas A. Hendricks appeared and was sworn into office by Hon. S. H. Buskirk of the Supreme Court of the State of Indiana, when his Excellency, Thomas A. Hendricks, Governor, delivered the following inaugural address :

GENTLEMEN OF THE SENATE AND HOUSE OF REPRESENTATIVES :

In assuming the duties of the office to which I have been chosen I invoke God's blessing upon our people and State.

It is primary among our obligations to see that every duty which the State owes to the United States is faithfully discharged, and that the rights and powers of the State are maintained and upheld. Between the rightful authority of the State and the powers of the United States there should be no conflict, and if they be asserted and exercised in the spirit of the constitution, and with a proper appreciation of their relations, there will be none. Under the constitution, each State and the United States are so related that support of one is fidelity to both, and hostility towards either is hostility to both. The exercise of unwarranted authority by either provokes collision, and is a public wrong. The Federal power has become so great, the area of its operations so extended and the allurements to its service so seductive, that our most watchful care is necessary to preserve the proper dignity and just influence of the State. It should attract attention and excite serious concern when local troubles, and controversies growing out of matters wholly of State concern, are made for the interposition of Federal authority and the menace of national arms. Surely you will agree with me that Indiana is so great a commonwealth, and her people are so entirely capable of self-government, that every question and controversy connected with her policy, or growing out of her action, and within the sphere of her reserved sovereignty as a State of the Union, must be settled and adjusted according to her pleasure, and by her authority. My conduct upon all questions that touch the relations between the State and the United States shall be governed by an earnest desire to preserve the legitimate authority of both, and to maintain the most sincere harmony. By the prompt and full discharge of every duty and the exercise of a fraternal community, I will labor to promote a cordial and enduring friendship between Indiana and the other States.

The welfare of the people requires that there be harmony between the Legislative and Executive departments of the State. For the recommendations I make to you, pursuant to the constitutional requirements, I ask your respectful consideration; and I assure you that when the results of your labors shall be presented for my examination, your judgment will have its proper weight upon my action; and I will take care that the laws you may pass shall be faithfully executed, in the spirit of their enactment and of the constitution.

It is not expected of me upon this occasion to consider, with any degree of particularity, the subject of legislation that may occupy you at the present session. That duty has been discharged by my predecessor. But I cannot avoid a reference to some subjects of special interest and importance.

Equal and just representation, and the integrity of the popular vote lie at the foundation of public authority; and the perversion of the one, or the corruption of the other, tends to the destruction of republican and free institutions.

The laws regulating our elections require your special attention. They do not restrain the corrupt, nor protect the votes of the people. Our elections must not become a reproach. Their result must express the will of the people. Our system must be made so efficient as to guarantee purity in conduct and management of the elections, and also to inspire and establish public confidence. When the people know that a political result has been fairly brought about, all discontent disappears, they cheerfully acquiesce, and yield entire obedience to the authority thereby established. I cannot now attempt to suggest all the provisions that may be essential to an efficient system, but without the following no system will probably prove efficient:

1. A fair and real representation upon the board of election officers of all political parties having candidates to be voted for.

2. Voting places so numerous and the precincts so small in respect to the voting population, that all who offer to vote may be known by the people of the neighborhood as well as by the officers.

3. A reasonable period of residence in the election precinct as a qualification to vote, so that persons may not pretend a residence not real, in fraud of the law. You will find an amendment of the second article of the constitution necessary to enable the Legislature to prescribe such period of residence. The constitution wisely provides for its own amendment, by a convenient and economical proceeding, which renders it unnecessary to throw upon the people the expense of a convention, and avoids the possibility of changes not desired by them.

4. The exclusion of money as influence and power from the elections. If in the contests for power money shall become stronger than the people, we will have the worst government possible. It will be a reproach to us all when wealth can buy what

the loftiest talent, and purest virtue can not attain. In this connection I wish to call attention to the subject of representative reform, which, during the last ten years, has been advocated by some of the best minds, both in Europe and in this country, and is now undergoing the test of experience. I desire to make this the more emphatic because this State, it seems, yet to be regarded as right and proper for the majority to deny to the minority even that representation which an apportionment based upon population and contiguity of counties would give. Representative reform rests upon the proposition that minorities of constituencies should have a representation as nearly in proportion to numbers as may be practicable. All the citizens contribute to the burdens of government and should yield obedience to the laws, and it is just, equal and fair that all should be represented. One of the ablest of English statesmen, in the debate in the House of Lords on the reform bill of 1867, suggested this illustration: "Suppose a representative district has ten thousand voters, and four thousand of the other, would not that district be far better represented if both the six thousand and the four thousand were represented than if the votes of either be wholly rejected, and without influence or power?" He added: "I can well understand men who are extremely intolerant and exclusive in politics, objecting to give any voice to those whose political views are distasteful to them; but I cannot understand such an obligation being urged by those who are in favor of having public opinion fairly represented." The advantages of this reform are obvious. Political asperities would be modified; local satisfaction would be produced, the temptation to corruption and bribery at elections would be greatly removed; and security and permanency would be given to the influence and power of the minority, thus securing a check upon the majority, should it become arrogant or unscrupulous, so that legislation would proceed more for the people and less for party. This constituted a striking feature in the great reform measure of 1867 in England, a measure which greatly increased the powers and fortified the rights of the industrial classes in that country; it was partially adopted in the selection of delegates to the Constitutional Convention in 1867 in New York; it is recognized in the selection of jury commissioners and election officers in Pennsylvania; and is an important provision in the new constitution of the great State of Illinois. This reform has also been the subject of care-

ful consideration in Congress. On the 2d of March, 1869, Mr. Senator Wade, from a select committee, reported a bill providing for its adoption in the election of members of Congress. I will not undertake an examination of the different propositions whereby representative reform may be attained that will carefully be considered by the Legislature, should a constitutional amendment on the subject be submitted to the people; but as a practical illustration of one of the modes I quote the bill as reported to the Senate by Mr. Senator Wade, "a bill to amend the representation of the people in Congress. Be it enacted, etc., that in the elections for the choice of Representative to the Congress of the United States, whenever more than one Representative is to be chosen from a State, each elector of such State, duly qualified, shall be entitled to a number of votes equal to the number of Representatives to be chosen from the State, and may give all such votes to one candidate, or may distribute them, equally or unequally, among a greater number of candidates, and the candidates highest in vote upon the return shall be declared elected."

The people expect at your hands substantial reforms in the civil service of the State. The Legislature of 1871, attempted the correction of many abuses, by the act of the 21st of February of that year, but that legislation has failed to accomplish most of the purposes of its enactment. Many of the courts have held important provisions invalid for want of constitutional sanction. Extortion and constructive fees and charges should be prohibited and prevented. Complete reform will require the abandonment, in a large degree, of the system of fees and perquisites as a mode of compensating public officers. As far as may be practicable, fixed salaries should be established, and all other compensation prohibited. Thereby the temptation to make questionable and unlawful charges will be removed. The compensation which you may allow should be sufficient to secure the best ability and the highest qualifications, but not large enough to promote corruption in the contests for the offices.

I cordially concur in the recommendation of my predecessor of a liberal increase in the salaries of the Judges of the Supreme Court; and I also recommend an increase in the character of the judiciary. The people do not desire, nor can they well afford, the economy of cheap judges. Cause delayed, with accumulating costs; the time of jurors, parties and witnesses wasted; increased

appeals to the supreme court; and the wrong done to private rights all forbid it. The judicial districts and circuits have, in many instances, been increased beyond the demands of the public interest. It is becoming an embarrassment in the way of providing proper compensation for an adequate number of judges. Personal and local importunity ought not to prevail over the public good. This evil should be corrected. Unnecessary circuits and districts should be stricken out, and those that remain so adjusted as to give full employment to competent judges, and to apportion the labor equally among them. If this be thoroughly and intelligently done, upon a basis of population or business, the judiciary may be strengthened and elevated, the necessary number of judges may be well paid, and at small, if any, increase of cost to the people. I am not prepared to say that our present judicial system is inherently defective. Many of the evils complained of result from the legislation enlarging the jurisdiction of the Court of Common Pleas, and thereby confusing the jurisdiction of that Court and the Circuit Court; and perhaps the evils may be removed by your investigation and action. But if it be your judgment that a general revision and modification of the system is necessary then I recommend that a commission of men eminent in the law be provided who shall report a plan of reform at the next session of the Legislature.

I recommend that provision be made for the more secure keeping of public moneys. It is not just to require public officers to retain a personal custody thereof, and to denounce degrading penalties against them if they fail therein, and at the same time to leave them without adequate protection. But in no financial policy whatever, should the officers be allowed to make a gain to themselves out of public money. That tends to corruption and the insecurity of the treasury.

I need not urge you to extend a protecting and fostering hand over our free schools, and to guard with anxious care the funds that support them. Coming as you do, from among the people, you can not be indifferent to an influence so important to their welfare, and to the true dignity and strength of the State. I trust the laws you may enact will promote the moral, intellectual and material welfare of the people.

THOMAS A. HENDRICKS.

The President announced that the business for which the joint convention assembled having been concluded, convention was adjourned without day.

The Senate re-assembled in their chamber.

Mr. Williams introduced Senate bill No. 181, an act declaring what officers shall be elected by the Senate and House of Representatives, declaring their duties, fixing their compensation, repealing all laws in conflict therewith, and declaring an emergency.

Which was read a first time.

Mr. Orr introduced Senate bill No. 182, an act to provide for the investment of funds detained in the hands of executors, administrators, agents, attorneys, or officers by reason of pending litigation, and declaring an emergency.

Which was read a first time.

Mr. Daggy introduced Senate bill No. 183, a bill to provide for paroling of prisoners who may be confined in any county jail for the nonpayment of fines which may have been adjudged against them upon conviction of public offences.

Which was read a first time.

Mr. Dittmore moved that the Senate take a recess until 5 o'clock this afternoon.

Which motion was not agreed to.

Mr. Daggy introduced Senate bill No. 184, an act concerning the granting of pardon by the Governor.

Which was read a first time.

Mr. Gooding moved to suspend the order of business and take up Senate bill No. 160.

Which motion was not agreed to.

Mr. Hubbard introduced Senate bill No. 185, an act to authorize judges of circuit courts and courts of common pleas to grant injunctions in actions pending in counties adjoining such circuit or

district, when both of the judges of the circuit court and court of common pleas of such county are disqualified from hearing such motions ; to authorize the clerk of the circuit court to grant temporary restraining orders.

Which was read a first time.

Mr. Gooding moved to suspend the order of business to take up Senate bill No. 160.

Which motion was agreed to.

Senate bill No. 160—an act to amend an act to incorporate the Lawrenceburgh Insurance Company ; approved February 3, 1832.

Which was read a second time.

Mr. Gooding moved that the bill do lie on the table.

Which motion was agreed to.

Mr. Rhodes moved to suspend the order of business to take up concurrent resolution of the House in regard to receiving communication from the American Women's Suffrage Association."

Which motion was agreed to.

Mr. Rhodes moved to amend by inserting after the word "resolved," the words "by the House the Senate concurring."

Which was agreed to.

The question recurring on the adoption of the resolution as amended.

It was agreed to.

ORDERED: That the Secretary inform the House of the passage of the resolution.

Mr. Beggs introduced Senate bill No. 186, an act to abolish the common pleas and criminal circuit courts, and conferring the jurisdiction and business thereof upon the circuit courts, and establishing the office of surrogate, and defining the powers and duties of the surrogate and of clerk of the circuit courts in regard thereto, and other matters properly connected therewith.

Which was read a first time.

Mr. Scott introduced Senate bill No. 187, an act to amend section one of an act entitled "An act to amend section three of an act entitled 'an act for the regulation of weights and measures;'" approved June 9, 1852; approved February 28, 1855; approved March 7, 1863.

Which was read a first time.

Mr. Daugherty moved to suspend the order of business and take up Senate bill No. 62.

Which was agreed to.

Mr. Daugherty moved the constitutional rule requiring bills to be read on the three several days, be suspended, and the bill be read a second time by title only, and a third time by sections now.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Beardsley, Beggs, Bird, Boone, Bowman, Bunyan, Carnahan, Cave, Chapman, Daggy, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Scott), Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Wadge, Williams and Mr. President—39.

No Senator voting in the negative.

So the rule was suspended.

Senate bill No. 62—a bill to amend the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th and 13th sections of an act entitled "An act to incorporate the town of Bluffton," approved February, 12th, 1851; and to repeal section 11 of said act.

Was read a second time, by title only.

Mr. Daugherty moved to amend the bill by renumbering the sections consecutively, commencing with No. 1.

Which was agreed to.

Senate bill No. 62—a bill to amend the 1st 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12, and 13th sections of an act entitled “An act to incorporate the town of Bluffton, approved February 12th, 1851; and to repeal section 11 of said act.

Which was read a third time.

The question being shall the bill pass.

Those who voted in the affirmative were, Messrs. Beardsley Beggs, Bird, Boone, Bowman, Banyan, Carnahan, Cave, Chapman, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott), Glessner, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Smith, Steele, Stroud and Williams—34.

No Senator voting in the negative.

So the bill passed.

The question being shall the title as read stand as the title of the bill.

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Dwiggin moved to suspend the order of business and take up report of select committee in regard to newspapers.

Which was agreed to.

Mr. Dwiggin moved that the report be concurred in.

Mr. Dittemore moved to lay the motion of Mr. Dwiggin on the table.

Messrs. Dwiggin and Orr demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Bird, Bowman, Brown, Cave, Daugherty, Dittemore, Francisco, Glessner, Hall, Haworth, Howard, Rhodes, Ringo, Slater, Smith, Steele, Stroud, Wadge, Williams and Mr. President—20.

Those who voted the negative were Messrs. Beardsley, Beggs, Boone, Bunyan, Carnahan, Chapman, Daggy, Dwiggins, Fuller, Friedley (of Scott), Harney, Hough, Hubbard, Oliver, Orr, Sarnighausen and Scott—17.

So the motion to lie on the table was agreed to.

Mr. Dittemore moved to lay the report on the table.

Messrs. Beardsley and Dwiggins demanded the ayes and noes.

Those who voted in the affirmative were Messrs. Armstrong, Bird, Bowman, Brown, Cave, Daugherty, Dittemore, Fuller, Francisco, Glessner, Gregg, Hall, Haworth, Orr, Rhodes, Ringo, Slater, Smith, Steele, Stroud, Wadge, Williams and Mr. President—23.

Those who voted in the negative were Messrs. Beardsley, Beggs, Boone, Bunyan, Carnahan, Chapman, Daggy, Dwiggins, Harney, Hough, Howard, Hubbard, Miller, Oliver, Sarnighausen and Scott—16.

So the motion to lay the report on the table prevailed.

Mr. Brown moved to reconsider the vote by which the report was laid on the table, and moved that the motion to reconsider be laid upon the table.

Messrs. Beardsley and Hough demanded the ayes and noes.

Those who voted in the negative were Messrs. Armstrong, Beardsley, Boone, Bunyan, Carnahan, Chapman, Daggy, Dwiggins, Fuller, Friedley (of Scott), Harney, Hough, Howard, Hubbard, Miller, Oliver, Orr, Sarnighausen and Scott—19.

Those who voted in the affirmative were Messrs. Beggs, Bird, Bowman, Brown, Cave, Daugherty, Dittemore, Francisco, Glessner, Gregg, Hall, Haworth, Rhodes, Ringo, Slater, Smith, Steele, Stroud, Wadge, Williams and Mr. President—21.

So the motion to lay the motion to reconsider on the table was agreed to.

Mr. Brown moved to suspend the order of business to offer a resolution.

Which was agreed to.

Mr. Brown offered the following resolution :

That the door-keeper be hereby directed to place one copy of the Indianapolis Daily Journal, one copy of the Indianapolis Daily Sentinel, on the desks of the Senators each morning, wrapped and stamped for mailing purposes.

Mr. Dwiggins moved to adjourn.

The ayes and noes being demanded,

Those who voted in the affirmative were Messrs. Beardsley, Boone, Bunyan, Chapman, Daggy, Dwiggins, Fuller, Harney, Howard, Hubbard, Miller, Sarnighausen and Scott—13.

Those who voted in the negative were Messrs. Armstrong, Beggs, Bird, Bowman, Brown, Carnahan, Cave, Daugherty, Dittimore, Francisco, Glessner, Gregg, Hall, Haworth, Hough, Oliver, Orr, Rhodes, Ringo, Slater, Smith, Steele, Stroud, Wadge, Williams and Mr. President—26.

So the motion to adjourn did not prevail.

Mr. Glessner offered the following substitute to the Brown resolution :

Resolved, That the door-keeper be directed to procure and furnish for the use of Senators three copies of the Daily Journal and three copies of the Daily Sentinel, two of each to be properly wrapped.

Mr. Fuller moved to lay the substitute on the table.

Which was not agreed to.

Mr. Dwiggins moved that the Senate do now adjourn ; one-tenth of the Senators demanding the ayes and noes.

Those voting in the affirmative were, Messrs. Armstrong, Beardsley, Chapman, Daggy, Dwiggins, Fuller, Harney, Hough, Howard, Hubbard, Miller, Oliver, Sarnighausen, Scott and Slater—15.

Those who voted in the negative were, Messrs. Beggs, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Daugherty,

Dittemore, Francisco, Friedley (of Scott), Glessner, Gregg, Hall, Haworth, Orr, Rhodes, Ringo, Smith, Steele, Stroud, Wadge, Williams and Mr. President—25.

So the motion to adjourn was not agreed to.

Mr. Brown offered the following amendment to the substitute offered by Mr. Glessner: Strike out the words "three" and add "four," and add the following words at the end thereof "and stamped providing it can be done for five cents per copy."

Mr. Brown moved the previous question which was seconded by the Senate.

The question being, shall the main question be now put.

It was so ordered.

The question being on the adoption of the amendments offered by Mr. Brown.

Messrs. Dwiggins and Beardsley demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beggs, Bird, Bowman, Brown, Carnahan, Cave, Daugherty, Dittemore, Francisco, Glessner, Gregg, Hall, Rhodes, Ringo, Slater, Smith, Steele, Stroud, Wadge, Williams and Mr. President—21.

Those who voted in the negative were Messrs. Armstrong, Beardsley, Boone, Bunyan, Cave, Chapman, Daggy, Dwiggins, Fuller, Friedley, Harney, Haworth, Hough, Howard, Hubbard Miller, Oliver, Orr, Sarnighausen and Scott—20.

So the amendments were adopted.

The question recurring on the adoption of the substitute as amended,

Messrs. Beardsley and Dwiggins demanded the ayes and noes.

Those who voted in the affirmative were Messrs. Beggs, Bird, Bowman, Brown, Carnahan, Cave, Daugherty, Dittemore, Francisco, Glessner, Gregg, Hall, Oliver, Ringo, Rhodes, Slater, Smith, Steele, Stroud, Wadge, Williams and Mr. President—22.

Those who voted in the negative were Messrs. Armstrong, Beardsley, Boone, Bunyan, Chapman, Daggy, Dwiggins, Fuller, Friedley, Harney, Haworth, Hough, Howard, Hubbard, Miller, Orr, Sarnighausen and Scott—18.

So the substitute as amended was adopted.

Mr. Brown moved to reconsider the vote adopting the substitute and to lay that motion on the table.

Messrs. Beardsley and Dwiggins demanded the ayes and noes.

Those who voted in the affirmative were Messrs. Beggs, Bird, Bowman, Brown, Cave, Daggy, Daugherty, Dittemore, Francisco, Glessner, Gregg, Hall, Oliver, Ringo, Smith, Steele, Stroud, Wadge, Williams and Mr. President—20.

Those who voted in the negative were Messrs. Armstrong, Beardsley, Boone, Bunyan, Chapman, Carrahan, Dwiggins, Fuller, Friedley, Harney, Haworth, Hough, Howard, Hubbard, Miller, Orr, Rhodes, Sarnighausen, Scott and Slater—20.

So the motion did not prevail.

The President announced the joint committee on the part of the Senate, on the communication from the American Women's Suffrage Convention, to be Messrs. Sleeth, Rhodes and Gregg.

On motion by Mr. Fuller the Senate adjourned.

[Signed.]

LEONIDAS SEXTON,
President of the Senate.

TUESDAY MORNING,

JANUARY 14th, 1873, 10 o'clock.

Senate met.

Pending the reading of the journal of yesterday Mr. Slater moved to dispense with the further reading of the same.

Which motion was agreed to.

Mr. Othniel Beeson, Senator from the county of Wayne, appeared and took his seat.

Message from the House by Mr. Nixon, Clerk thereof;

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

Resolved, That in view of the enactment of the per diem act, cutting off stationery, that this House will not vote for any appropriation to pay for newspapers, and that the Senate be respectfully requested to concur herein.

I am also directed to inform the Senate that the House has concurred in the Senate amendments to the House concurrent resolution, in relation to receiving the agents of the American Women's Suffrage Association.

Hon. Leonidas Sexton, Lieutenant Governor elect, appeared in the Senate chamber, and was sworn into office by the Hon. A. C. Downey, Judge of the Supreme Court.

On taking the chair the Lieutenant Governor spoke as follows

GENTLEMEN OF THE SENATE:

I enter upon the duties of presiding officer of the Senate with many misgivings as to my ability to perform them to your satisfaction.

To you, gentlemen, all having had much experience in the business of legislation, those duties are simple and of easy accomplishment; but to one wholly unused to them, they do not appear free from difficulties. I shall be agreeably disappointed if, like many other anticipated troubles, they shall disappear as they are approached. But I shall probably often be led into errors of judgment, and in advance of them I solicit both your forbearance and kindly assistance.

The methods by which you are to proceed in the performance of your duties as Senators, when there are not constitutional provisions, are to be found either in that body of common parliamentary law, used by deliberative assemblies everywhere, or in those rules which you have adopted for your own government. In

either case you will expect those rules to be observed with reasonable strictness, and so far as it depends upon me, I shall endeavor to enforce them with exact fairness to all, remembering that in the matter of rights Senators are upon an exact equality. It is your authority I am called upon to maintain; I see that Senators are decorous toward each other; that discussion and action shall be free according to your own rules—all of which are necessary to the end that your sessions may be rendered pleasant to yourselves, and that the needed legislation of the State be speedily and certainly accomplished. Your standing as Senators—the dignity of your position as representatives of great and intelligent constituencies, to say nothing of your personal comfort, will require from you a cheerful and prompt support in all efforts to forward these objects.

It is not my province to recommend to you such measures as I may deem expedient, nor to give you information touching the affairs of State, nor do I assume to do so; yet I may without impropriety congratulate you upon the favorable auspices under which you have assembled. We have just closed an interesting chapter in our State history. The retiring State administration may well be proud of what has been done in the interests of the people and for the honor of the Commonwealth. The State is substantially out of debt, and altogether her finances are in a good condition, and the State credit highly satisfactory. Those great public charities required by the constitution are all in successful operation, and others have been projected and in progress of completion, or awaiting the further action of the Legislature. Our common school system is more perfect than ever before, and is performing its mission so thoroughly and so well that it has overthrown its early opposition and festooned itself upon the hearts of the people; while our courts, supreme and inferior, are accomplishing their work in a manner generally satisfactory. So that it is not far from the truth to say that in Indiana at least the purposes for which States are organized, are reasonably well performed. But the changes constantly made in a great and growing State, requires that the legislative power should, in the exercise of its functions, keep pace with the changing condition of society, and provide for every new want, so that while we may not hope for an end of legislation, we may at stated periods say: That every unfortunate is provided for; every child has the means of education;

that every citizen is protected in his rights; that violations of the law are duly and certainly punished, and public morals maintained. So we may say to our retiring State officials, your work has been well and faithfully done, and you are entitled to be favorably remembered by a gratified people. And only yesterday we have inaugurated a new State government for a period of four years. At its head is a gentleman whose reputation as a statesman, in other departments of government, has outrun the limits of his own country, and gone forth to the nations of the earth; and he will be anxious not only to maintain that reputation, but to add to it, by suggesting and carrying forward in this new governmental employment such measures in behalf of the people and State as will vie with, if not outshine, anything done by any of the illustrious men who have preceded him in his high office. Such recommendations as he from time to time shall have to make to the Legislature, having in view the welfare of the people of the State, are entitled to your careful consideration, and if they meet the approval of your judgment should be met with a cordial and liberal support by the legislative branch of the State government. He has been endorsed in a legal and constitutional manner by the people, in his election to the highest office known to our State laws, and opposition to him, based solely on party grounds, should be put aside in that friendly, nobler and more patriotic contest likely to ensue, in which each party shall put forth every exertion, having in view only the good of society and the lasting welfare of the people. While Senators are not expected to forget their immediate localities and constituencies, nor yet their party affiliations, they are to remember they are State Senators, and that laws enacted by them are not circumscribed by the lines of a single county or district, nor do they affect only a few thousand citizens living therein; but that on the contrary those laws are in force from the Miami to the Wabash, and from the Ohio to the lake, and affect, favorably or unfavorably, the interests of nearly two millions of free people. These considerations require at your hands an enlarged and liberal view of your high position as State Senators, and appeal with power to your high sense of honor as well as patriotism. We rejoice at the present well-being of our national affairs, and are glad that we are at peace with other governments; that we as a nation have one government, and as a people are united and happy—offering a home, a shelter and a

welcome to the down-trodden and misgoverned people of the whole earth; and while our patriotism should be broad enough in its scope to comprehend every portion of our country; and we should remember with becoming pride the glorious part the people of our State took in its preservation; yet at this time you will not be regarded as wanting in high and statesmanlike qualities, if your best efforts are devoted to the legislation required by the condition of the people of our own State, and the comfort and happiness of our immediate homes.

Gentlemen, I thank you for the courtesy of this brief hearing, and again I ask you, that, in the attempt to perform the duties of my office, you shall be as free in my support and kindly in your forbearance of my shortcomings, as I shall be liberal in seeking these favors at your hands.

Mr. Dwiggins moved to take a recess for ten minutes.

Which was agreed to.

Senate re-assembled.

The President laid before the Senate the following communication from the Governor:

HON. GEORGE W. FRIEDLEY, PRESIDENT OF THE SENATE:

Sir: Samuel R. Downey, Esq., my private Secretary, will act as executive messenger in the delivery of communications to the Senate.

[Signed]

THOMAS A. HENDRICKS,

Governor.

Mr. Glessner presented the following:

A petition of sundry citizens of Shelby county, asking that Senate bill No. 31, authorizing a supplemental assessment for gravel road purposes, become a law.

On motion the petition was laid on the table until the appointment of the standing committees of the Senate.

Mr. Sleeth presented the following:

A petition for the modification or repeal of the law, permitting counties and townships to make donations to railroads.

On motion the petition was laid on the table until the appointment of the standing committees of the Senate.

INTRODUCTION OF BILLS.

Mr. Steele introduced Senate bill No. 188—An act to enable and empower executors and administrators of the estates of deceased persons, to enforce partition of the real estate of such decedents, in certain cases and declaring an emergency.

Read a first time.

Mr. Smith introduced Senate bill No. 189—A bill for an act to amend section 648, of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish district forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852.

Read a first time.

Mr. Armstrong introduced Senate bill No. 190—An act to legalize certain defective and irregular assessments and proceedings of Boards of Equalization for the year 1871 and 1872, in incorporated cities.

Read a first time.

Mr. Taylor introduced Senate bill No. 191—An act to enable securities to be released from appeal bonds, in certain cases.

Read a first time.

Mr. Steele introduced Senate bill No. 192—An act to amend section five of an act entitled, "an act to exempt property from sale in certain cases," approved February 17th, 1852.

Read a first time.

Mr. Orr introduced Senate bill No. 193—An act, supplemental to an act, authorizing the construction of plank, Macadamized and gravel roads, approved May 12, 1852.

Read a first time.

Mr. Neff introduced Senate bill No. 194—An act in relation to the meetings of the Boards of Commissioners.

Read a first time.

Mr. Beeson introduced Senate bill No. 195—An act defining misdemeanors and declaring the penalties therefor, and declaring an emergency.

Read a first time.

Mr. Howard introduced Senate bill No. 196—An act, to amend section thirty-four of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11th, 1852, and declaring an emergency.

Read a first time.

Mr. Rhodes moved to suspend the order of business, and take up House bill No. 8.

Which motion was not agreed to.

Message from the House.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, to-wit:

Resolved, That in view of the enactment of the per diem act, cutting off stationery that this House will not vote for any appropriation to pay for newspapers, and that the Senate be respectfully requested to concur herein, was taken up.

The question being on concurring in the resolution.

Mr. Brown offered the following amendment:

After the word "newspapers" insert "for the use of the House of Representatives."

Mr. Dwiggins offered the following substitute for Mr. Brown's amendment:

Amend by inserting after the word "Resolved" these words, "by the House of Representatives the Senate concurring therein."

Also amend by striking out the words, "this House" and insert in lieu thereof, "neither the House nor the Senate."

Mr. Glessner moved to lay the substitute offered by Mr. Dwiggins on the table.

Mr. Dwiggins and Neff demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beggs, Bird, Bowman, Brown, Carnahan, Cave, Daugherty, Dittmore, Francisco, Glessner, Gregg, Hall, Hough, Oliver, Rhodes, Ringo, Slater, Sleeth, Smith, Steele, Stroud, Wadge, Williams, Winterbotham and Mr. President—26.

Those who voted in the negative were Messrs. Beardsley, Beeson, Boone, Bunyan, Chapman, Daggy, Dwiggins, Fuller, Friedley (of Scott), Harney, Haworth, Howard, Hubbard, Miller, Neff, Orr, Sarnighausen, Scott and Taylor—19.

So the motion to lay the substitute on the table was agreed to.

Mr. Brown's amendment being withdrawn,

The question being, on concurring in the resolution of the House,

Messrs. Neff and Dwiggins demanded the ayes and noes.

Those who voted in the affirmative were Messrs. Beardsley, Beeson, Boone, Bunyan, Chapman, Dwiggins, Fuller, Harney, Haworth, Howard, Hubbard, Miller, Neff, Orr, Sarnighausen, Scott, Steele, and Taylor—18.

Those who voted in the negative were Messrs. Armstrong, Beggs, Bird, Bowman, Boone, Carnahan, Cave, Daugherty, Dittmore, Francisco, Friedley (of Scott), Glessner, Gregg, Hall, Hough, Oliver, Rhodes, Ringo, Slater, Sleeth, Smith, Stroud, Wadge, Williams, Winterbotham and Mr. President—26.

So the resolution of the House was not concurred in.

Mr. Neff asked and obtained leave of absence until 2 o'clock p. m. to-morrow.

Mr. Brown moved that the Senate take a recess until 2 o'clock p. m.

Which motion was agreed to.

AFTERNOON SESSION.

The Senate re-assembled at 2 o'clock.

By unanimous consent of the Senate,

Mr. Gregg offered the following resolution :

Resolved, by the Senate, (the House concurring), That there be ordered printed ten thousand copies of the Inaugural Addresses of Governor Thomas A. Hendricks and Lieutenant Governor Leonidas Sexton ; one thousand of which shall be in German, four thousand of which shall be for the use of the Governor and Lieutenant Governor, and the remaining six thousand for the use of the members of the Senate and House of Representatives.

Which resolution was adopted.

ORDERED, That the Secretary inform the House of the passage of the resolution.

MESSAGES FROM THE HOUSE.

Resolved, by the House of Representatives, (the Senate concurring,) That there shall be appointed by the House and Senate a joint committee, consisting of three Senators and six Representatives, to which shall be referred all claims, which, if allowed, would be properly included in the specific appropriation bill, that may be presented to either the House or the Senate, and after said claims have been acted upon by said committee, the chairman thereof, or some other member of the committee which he may designate, shall report to each House their action thereon, was taken up.

The question being, on the adoption of the resolution,

It was agreed to.

ORDERED: That the Secretary inform the House of the passage of the concurrent resolution.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit :

Engrossed House bill No. 212—a bill defining the misdemeanor of keeping houses of ill-fame, the renting and leasing property to be used as a house of ill-fame, and prescribing penalties therefor, and prescribing certain rules of evidence in prosecution of such offenses.

And the same is herewith transmitted to the Senate.

RESOLUTION.

By unanimous consent of the Senate, Mr. Daggy offered the following:

Resolved, That the order of the Senate directing the printing of the report of the Secretary of State, be construed to mean the printing of said reports without the exhibits thereto attached.

Mr. Orr moved to refer the resolution to a committee composed of Messrs. Daggy, Scott and Smith.

Which motion was agreed to.

SPECIAL ORDER.

The hour of two o'clock having arrived, it being the hour fixed for the consideration of Senate bill No. 9—an act fixing the salaries of the judges of the supreme, superior, circuit, common pleas and criminal courts of this State, providing how the salaries shall be paid, repealing all laws and parts of laws in conflict therewith, and declaring an emergency—was taken up, together with the following majority and minority reports, made at the last session of the General Assembly.

MR. PRESIDENT:

A majority of your committee, to whom was referred Senate bill No. 9, entitled "An act fixing the salaries of the judges of the supreme, superior, circuit, criminal and common pleas courts of this State, providing how their salaries shall be paid, repealing all laws and parts of laws in conflict therewith, and declaring an emergency," having carefully considered the same, submit the following report, to-wit:

They recommend that section two be amended by striking out the words "four thousand," in line one of page 2, and inserting in lieu thereof the words "three thousand five hundred."

That section three of said act be amended by striking out the words "three thousand," in line five of page 2, and inserting the words "thirty-five hundred."

That section four of said act be amended by striking out the words "three thousand," in lines nine and ten on page 2, and inserting the words "two thousand five hundred."

And that section five of said act be amended by striking out the words "twenty-five hundred," in line thirteen, page 2, and inserting the words "three thousand."

And that section six be amended to read as follows:

SEC. 6. The salaries of the judges of the supreme and circuit courts shall be paid out of the State Treasury, and the salaries of the judges of the superior and criminal courts shall be paid one-third out of the Treasury of the State and two-thirds out of the treasuries of the counties composing their respective districts, in proportion to the population of such counties as shown by the census returns of the United States for the year 1870. And that the salaries of the judges of the common pleas courts shall be paid out of the treasuries of the counties composing their respective districts, in proportion to the population of such counties as shown by the United States census returns for 1870. And that the salaries herein provided for shall be paid quarterly on the first Mondays of January, April, July and October of each year.

And that on the adoption of the above amendments, your committee recommend the passage of said bill.

WM. P. RHODES,
Chairman.

MR. PRESIDENT:

A minority of the Committee on Fees and Salaries, to whom was referred Senate bill No. 9, entitled "An act fixing the salaries of judges of the supreme court, the superior court, the circuit court, the criminal court and the common pleas courts of the State, providing how their salaries shall be paid, repealing all laws in conflict therewith," having carefully examined the same submit the following report:

They recommend that the first section of the bill shall be amended by striking out, in the twelfth line, the words "five thousand dollars," by inserting "four thousand dollars."

That section two be amended by striking out in third line the words "four thousand dollars," and in lieu thereof insert the words "three thousand dollars."

That section three, in the fifth and sixth lines be amended by striking out the words "three thousand dollars," and inserting in lieu thereof "two thousand five hundred dollars."

That section four be amended in the ninth and tenth lines by striking out the words "three thousand dollars" and inserting in lieu thereof "two thousand dollars."

And when these amendments are made they recommend that the bill pass.

[Signed.]

A. J. NEFF,
R. GREGG.

Mr. Orr moved to lay the reports of the committee on the table.

Which motion was agreed to.

Mr. Steele moved to refer the bill to a select committee of three, with instructions to report a bill in relation to salaries of the Judges of the Supreme Court, only.

Mr. Boone moved to postpone the further consideration of the bill until Wednesday, January 22, at 10:30 o'clock, a. m.

Which motion was agreed to.

By unanimous consent of the Senate, Mr. Harney introduced Senate bill No. 197—A bill for an act to increase the salaries of the Supreme Judges.

Read a first time.

By unanimous consent Mr. Gooding offered the following :

Resolved by the Senate, (the House of Representatives concurring), that a joint special committee of the Senate and House of Representatives, be appointed, consisting of three Senators and six members of the House of Representatives, to revise the Judicial Circuits and Districts of the State and be instructed to report by bill or otherwise at an early day.

Mr. Glessner offered the following substitute :

Resolved by the Senate, (the House of Representatives concurring therein,) that a joint committee of eleven be appointed, seven from the House and four from the Senate, whose duty it shall be, to so re-district the State for judicial purposes, as to equalize the burden of the Circuit and Commn Pleas Judges throughout the State.

The question being on the adoption of the substitute of Mr. Glessner,

It was agreed to.

ORDERED: That the Secretary inform the House of the adoption of the resolution.

Mr. Dittemore moved to reconsider the vote adopting Mr. Glessner's substitute.

Mr. Glessner moved to lay the motion to reconsider on the table

Messrs. Steele and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were Messrs. Cave, Francisco, Glessner, Gregg, Hall, Hubbard, Oliver, Rhodes, Ringo, Slater, Sleeth, Stroud, Taylor, Wadge and Mr. President—15.

Those who voted in the negative were Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Chapman, Daggy, Daugherty, Dittemore, Dwiggin, Friedley (of Scott), Gooding, Harney, Haworth, Hough, Howard, Miller, Orr, Sarnighausen, Scott, Smith, Steele, Williams and Winterbotham—28.

So the motion to lay on the table was not agreed to.

The question being, on the reconsideration of the vote adopting the substitute.

It was agreed to.

Mr. Daggy moved to lay the substitute on the table.

Messrs. Glessner and Cave demanded the ayes and noes.

Those who voted in the affirmative were Messrs. Beardsley, Beeson, Boone, Brown, Bunyan, Carnahan, Chapman, Daggy, Dittemore, Dwiggins, Friedley (of Scott,) Gooding, Hough, Howard, Hubbard, Miller, Oliver, Orr, Wadge and Williams—20.

Those who voted in the negative were Messrs. Armstrong, Biggs, Bird, Bowman, Cave, Daugherty, Fuller, Francisco, Glessner, Gregg, Hall, Harney, Haworth, Ringo, Sarnighausen, Slater, Smith, Steele, Stroud, Winterbotham and Mr. President—21.

So the motion to lay substitute on the table was not agreed to.

Mr. Dittemore moved to amend substitute by striking out the word "seven" and insert "four" from the House, and by striking out the word "four" and insert the word "three" from the Senate.

Which amendment was agreed to.

The question being on the adoption of the substitute as amended.

Resolved by the Senate, (the House of Representatives concurring therein), That a joint committee of seven be appointed, four from the House and three from the Senate, whose duty it shall be to so redistrict the State for judicial purposes, as to equalize the burden of the Circuit and Common Pleas judges throughout the State.

It was agreed to.

Mr. Steele moved to suspend the order of business, and take up Senate bill No. 168.

Which motion was agreed to.

Senate bill No. 168—A bill supplemental to an act entitled "An act in relation to the organization of the two Houses of the General Assembly, prescribing the number of officers and employes of each House and regulating their duties, and declaring an emergency.

Was read a third time.

The question being, shall the bill pass.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Bird, Bowman, Brown, Bunyan, Carnahan, Daugherty, Dittemore, Dwiggin, Friedley (of Scott), Glessner, Gooding, Gregg, Hall, Haworth, Howard, Hubbard, Miller, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Smith, Steele, Stroud, Wadge and Mr. President—33.

Those who voted in the negative were, Messrs. Boone, Cave Fuller, Francisco, Harney, Hough, Williams and Winterbotham—8.

So the bill passed.

The question being shall the title as read, stand as the title of the bill.

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Gregg moved to make Senate bill No. 4 special order for Friday next at 2 o'clock p. m.

Which motion was agreed to.

The President announced as the committee on standing rules of the Senate, Messrs. Glessner, Brown and Dwiggin.

Mr. Brown moved that the committee, be required to report on to-morrow.

Which motion was agreed to.

Mr. Slater moved to suspend the order of business and take up Senate bill No. 126.

Which was agreed to.

Senate bill No. 126—An act to amend section one of an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, approved March 5th, 1859.

Was read a second time, and ordered to be engrossed for a third reading.

By unanimous consent Mr. Wadge offered the following :

Be it resolved by the Senate, (the House of Representatives concurring therein), that the State printer be hereby directed that in printing bills for the temporary use of the General Assembly he print the same on a common article of book paper.

Mr. Bunyan moved that the resolution do lie on the table.

Which was agreed to.

Mr. Thompson was relieved from serving on the Committee on Employing an Official Reporter for the Senate, and Mr. Sleeth was appointed in his stead.

Mr. Bunyan moved to suspend the order of business, and take up engrossed House bill No. 6.

Which was agreed to.

Engrossed House bill No. 6—a bill creating the Indiana Centennial Association—was read a second time.

The Senate excused Mr. Beggs from serving on Committee to Compare Senate Journal, and Mr. Slater was appointed in his stead.

Mr. Harney moved to suspend the order of business, and take up Senate bill No. 122.

Which motion was agreed to.

Senate bill No. 122—an act to legalize in certain cases and under certain conditions appropriations made by boards of county commissioners to aid in building railroads, previous to the 12th day of May, 1869, and when the appropriations were made without the authority of law, and declaring an emergency—was read a second time.

Mr. Brown moved that the Senate do now adjourn.

Which motion was agreed to.

LEONIDAS SEXTON,
President of the Senate.

WEDNESDAY MORNING.

JANUARY 15, 1873, 10 o'clock.

The Senate met.

Prayer by the Rev. Mr. Fletcher.

Journal of yesterday read, corrected and approved.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT :

I am directed by House of Representatives to inform the Senate, that the House has passed the following engrossed bill thereof, to-wit:

Engrossed House bill No. 294—a bill appropriating one hundred and twenty-five thousand dollars to defray the expenses of the Forty-Eighth Regular Session of the General Assembly of the State of Indiana, and the same is herewith transmitted to the Senate for its action thereon.

Mr. Brown, from a select committee, submitted the following report:

MR. PRESIDENT :

The select committee appointed for the purpose of reporting rules for the permanent government of the Senate, submit the rules adopted by the Senate at the special session, and recommend that they be adopted as the rules of the Senate for this session.

Which report was concurred in.

The President announced the Standing Committees of the Senate as follows:

Standing Committees of the Senate of Indiana, Regular Session of 1873:

1. *On Elections.*

Messrs. Chapman, Collett, Miller, Neff, Fuller, Hall and Dittmore.

2. *On Finance.*

Messrs. Taylor, Beardsley, Friedley (of Scott), Wadge, Williams, Daugherty and Harney.

3. *On the Judiciary.*

Messrs. Steele, Brown, Daggy, Gooding, Boone, Gregg and Dittemore.

4. *On Education.*

Messrs. Scott, Taylor, Hough, Rhodes, Fuller, Glessner and Armstrong.

5. *On Corporations.*

Messrs. Hubbard, Brown, Gooding, Dwiggins, Hall, Carnahan and Bird.

6. *On Roads.*

Messrs. Miller, Howard, Orr, Friedley (of Scott), Cave, Bowman and Stroud.

7. *On Benevolent Institutions.*

Messrs. Thompson, Chapman, Beardsley, Hough Armstrong, Daugherty and Francisco.

8. *On Agriculture.*

Messrs. Collett, Beeson, Miller, Orr, Williams, Bowman and Harney.

9. *On Banks.*

Messrs. Dwiggins, O'Brien, Beardsley, Haworth, Daugherty, Winterbotham and Gregg.

10. *On Manufactures.*

Messrs. Beardsley, Howard, Wadge, Bunyan, Beggs, Ringo and Boone.

11. *On Public Printing.*

Messrs. O'Brien, Sleeth, Beardsley, Hough, Cave, Dittemore and Slater.

12. *On Public Buildings.*

Messrs. Oliver, Daggy, Scott, Neff, Harney, Winterbotham and Francisco.

13. *On Prisons.*

Messrs. Wadge, Friedley (of Scott), Orr, Hubbard, Dittemore, Hall and Williams.

14. *On Canals and Internal Improvements.*

Messrs. Haworth, Steele, Bunyan, Howard, Ringo, Bird and Carnahan.

15. *On State Library.*

Messrs. Hough, Chapman, Rhodes, Oliver, Slater, Beggs and Smith.

16. *On Fees and Salaries.*

Messrs. Rhodes, Brown, Neff, Hubbard, Glessner, Smith and Gregg.

17. *On Claims.*

Messrs. Sleeth, Beeson, Hough, O'Brien, Williams, Harney and Carnahan.

18. *On Military Affairs.*

Messrs. Chapman, O'Brien, Sleeth, Bunyan, Gregg, Fuller and Sarnighausen.

19. *On Phraseology and Arrangement of Bills and Enrolled Bills.*

Messrs. Collett, Hubbard, Thompson, Neff, Hall, Slater and Smith.

20. *On Unfinished Business.*

Messrs. Bunyan, Howard, Beardsley, Scott, Ringo, Gregg and Stroud.

21. *On Organization of Courts.*

Messrs. Daggy, Hough, O'Brien, Friedley (of Lawrence), Dittemore, Rosebrugh and Glessner.

22. *On Expenditure.*

Messrs. Neff, Beeson, Friedley (of Scott), Thompson, Harney, Smith and Armstrong.

23. *On Federal Relations.*

Messrs. Gooding, Dwiggins, Hubbard, O'Brien, Beggs, Boone and Slater.

24. *On Swamp Lands.*

Messrs. Chapman, Oliver, Dwiggins, Howard, Winterbotham, Stroud and Carnahan.

25. *On Temperance.*

Messrs. Beeson, Neff, Rhodes, Wadge, Francisco, Cave and Stroud.

26. *On County and Township Business.*

Messrs. Orr, Bunyan, Miller, Howard, Beggs, Fuller and Ringo.

27. *On the Rights and Privileges of the Inhabitants of the State*

Messrs. Howard, Hough, Gooding, O'Brien, Glessner, Hall and Sarnighausen.

28. *On Reformatory Institutions.*

Messrs. Beeson, Oliver, Taylor, Scott, Bird, Francisco and Daugherty.

29. *On Immigration and Statistics.*

Messrs. Haworth, Collett, Neff, Miller, Hall, Cave and Sarnighausen.

30. *On Insurance.*

Messrs. Daggy, Oliver, Taylor, Scott, Smith, Armstrong and Bowman.

31. *On Railroads.*

Messrs. Brown, Dwiggins, Sleeth, Gooding, Bird, Rosebrugh and Dittemore.

JOINT STANDING COMMITTEES ON THE PART OF THE SENATE.

1, *Enrolled Bills.*

Messrs. Collett, Neff and Hall.

2. *On Public Buildings.*

Messrs. Oliver, Daggy and Harney.

3. *On State Library.*

Messrs. Hough, Rhodes and Smith.

4. *On Canal Funds.*

Messrs. Haworth, Bunyan and Armstrong.

5. *On Claims.*

Messrs. Williams, Dwiggins and Hough.

Mr. Brown moved that two hundred copies of the Rules, together with the Standing Committees of the Senate, be printed.

Mr. Daggy moved to amend by printing Standing Committees only.

Which was agreed to.

The question recurring on the motion as amended,

It was agreed to.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Gregg presented memorial from Indiana Horticultural Society, asking for an appropriation.

Which was referred to the Committee on Agriculture.

Mr. Bunyan presented a petition from citizens of Lagrange county, to repeal an act in regard to allowing counties and townships to give aid to railroads, etc.

Which was referred to the Committee on Railroads, without reading.

Mr. Smith presented a petition from citizens of Cass county, protesting against the passage of the hunters' rights bill No. 8.

• A bill in regard to hunting on enclosed lands.

Which was referred to the committee on Rights and Privileges.

Mr. Haworth presented a petition from citizens of Fayette county, protesting against the passage of the hunters' rights bill No. 8, in regard to hunting on enclosed lands.

Which was referred to the Committee on Rights and Privileges, without reading.

Mr. Brown by his own request, was excused from serving on the Committee on Judiciary, Committee on Incorporation, and the Committee on Fees and Salaries.

The President appointed Mr. Friedley, of Lawrence, on Committee on Judiciary.

Mr. Oliver presented a petition from the citizens of Marion county protesting against the passage of the Hunters' Rights bill, No. 8, in regard to hunting on enclosed lands.

Which was referred to the Committee on Rights and Privileges without reading.

Mr. Smith presented a petition from the citizens of Cass county relating to "An act to authorize aid by counties and townships to Railroads.

Which was referred to the Committee on the Judiciary.-

Mr. Slater presented a petition from the ladies of the State asking an appropriation for the speedy completion of the Indiana Reformatory institute for women and girls."

Which was referred to the Committee on Reformatory Institutions.

Mr. Orr presented a petition from the citizens of Delaware county, asking for the passage of the Hunters' Rights bill, No. 8, in regard to hunting on enclosed lands.

Which was referred to the committee on Rights and Privileges' without reading.

The President laid before the Senate a communication from J. H. Bayless, William M. French and six others, on the subject of temperance.

The communication on motion was referred to the Committee on Temperance.

Mr. Orr presented a petition from the citizens of Delaware county asking for the passage of House bill No. 8, in regard to hunting on enclosed lands.

Which was referred to the Committee on Rights and Privileges without reading.

Mr. Bunyan presented petition from the citizens of the State in relation to the tax on dogs.

Which was referred to the Committee on Rights and Privileges without reading.

REPORTS FROM SELECT COMMITTEES.

Mr. Daggy, from a select committee, submitted the following report:

MR. PRESIDENT :

The special committee to whom was referred Senate resolution No. 11, have had the same under consideration, and have directed me to make the following report :

That said resolution should be a concurrent resolution, and therefore recommend the following as a substitute for said resolution :

Resolved by the Senate, (the House concurring,) That the order directing the printing of the report of the Secretary of State be taken to mean and so construed as to exclude the appendix or exhibits accompanying said report.

The question being on the adoption of the substitute reported by the committee,

It was agreed to.

RESOLUTIONS.

Mr. Dwiggin offered the following :

Resolved by the Senate, (the House of Representatives concurring therein,) That the two Houses meet in joint convention in the hall of the House of Representatives on Thursday, the 16th inst., at half-past two o'clock p. m., to hear memorial and addresses from the Indiana State Women's Suffrage Association.

Which was adopted.

Mr. Orr offered the following :

Resolved, That the Committee on the Judiciary inquire into the expediency of repealing (or remodeling) the forty-seventh section of an act defining felonies, and prescribing punishment therefor, approved June 10, 1852, and report by bill or otherwise.

Which was not adopted.

Mr. Hall offered the following :

Resolved by the Senate, (the House concurring), That the Governor be requested to appoint, with the consent of the Senate, a commission of five gentlemen of recognized legal standing, who shall report by bill or otherwise to the General Assembly, such changes in our judicial system as will, in their opinion, improve our present condition.

The question being on the adoption of the resolution,

Messrs. Slater and Dwiggin demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Bird, Bowman, Brown, Carnahan, Cave, Daugherty, Dittemore, Fuller, Francisco, Glessner, Gregg, Hall, Ringo, Sarnighausen, Slater, Stroud, Williams and Winterbotham—19.

Those who voted in the negative were, Messrs. Beeson, Boone Bunyan, Chapman, Collett, Daggy, Dwiggin, Friedley (of Scott). Gooding, Haworth, Hough, Howard, Hubbard, Miller, Oliver, Orr, Rhodes, Scott, Sleeth, Smith, Steele, Taylor, Wadge and Friedley (of Lawrence)—24.

So the resolution was not adopted.

Mr. Boone offered the following resolution :

Resolved, That for the purpose of expediting, simplifying, and equalizing the business of the Senate, under the rules thereof, that the Secretary be requested to have special files for

Senate bills read first time.

Senate bills read second time.

Senate bills engrossed.

Senate bills on third reading.

House bills on second reading.

House bills on third reading.

That each day, when bills in any one of these files shall be in order, such file shall be delivered to the President, who shall announce each bill in the order of its number to the Senate, for its action and disposal, until the same is exhausted, and so on of each file consecutively until all are disposed of.

Which was adopted.

INTRODUCTION OF BILLS.

Mr. Dittmore introduced Senate bill No. 198—A bill to provide for the organization of an experimental school for the education of idiotic and feeble-minded children.

Which was read a first time.

Mr. Haworth introduced Senate bill No. 199—An act requiring railroad companies to put safe heating apparatus, in their cars, and providing a penalty for their failure to do so; and also protecting said railroad companies from extortionate charges by persons offering heating apparatus, for sale to said companies.

Read a first time.

Mr. Fuller introduced Senate bill No. 200—an act in relation to jury trials, to prevent the continuance of causes, trial by jury, after the commencement of the trial, by reason of sickness of one or more of the jurors, and repealing all laws in conflict with this act, and declaring an emergency.

Which was read a first time.

Mr. Orr introduced Senate bill No. 201—an act supplemental to

section seven of an act defining misdemeanors and prescribing punishment therefor, approved June 14, 1852.

Which was read a first time.

Mr. Carnahan introduced Senate bill No. 202—a bill to amend sections seven and nine of an act entitled, "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865.

Be it enacted by the General Assembly of the State of Indiana,
That section seven of the above entitled act be amended to read as follows :

Which was read a first time.

Mr. Daggy introduced Senate bill No. 203—an act to authorize the appointment of resident trustees to receive and manage trust funds held in other States and belonging to persons residing in this state.

Which was read a first time.

Mr. Daggy introduced Senate bill No. 204—an act to amend the fifteenth section of an act entitled "An act prescribing the manner of compelling officers to give new bonds and additional sureties," approved May 31, 1852.

Which was read a first time.

Mr. Daggy introduced Senate bill No. 205—a bill regulating coal mines and the working thereof.

Which was read a first time.

Mr. Friedley (of Scott) introduced Senate bill No. 206—a bill to encourage agriculture and agricultural fairs, by the purchase and improvement of fair grounds.

Which which was read a first time.

Mr. Collett introduced Senate bill No. 207—an act to amend the fifty-fourth section of an amended act entitled “An act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in courts of this State, and to abolish distinct forms of action of law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity;” approved March 1, 1855.

Which was read a first time.

Mr. Dwiggins moved that the Senate take a recess until two o'clock P. M.

Which was agreed to.

AFTERNOON SESSION.

Senate reassembled at two o'clock P. M.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has amended and concurred in the following resolution of the Senate, to-wit:

Resolved by the Senate, (the House of Representatives concurring therein), that the two House of the General Assembly, meet in joint convention in the hall of the House of Representatives, on Thursday, the 16th inst., at 2:30 o'clock, p. m. to hear memorials and addresses from the Indiana State Womans' Suffrage Association.

To which the House has added the following amendment:

Strike out the words, “Thursday the 16th” and insert “Friday the 17th inst.”

I am also directed to inform the Senate, that the House has amended and concurred in the following resolution of the Senate, to-wit:

Resolved by the Senate, (the House concurring), that there be

ordered printed ten thousand copies of the inaugural address of Governor Thomas A. Hendricks, and Lieutenant Governor Leonidas Sexton; four thousand of which shall be for the use of the Governor and Lieutenant Governor, and the remaining six thousand for the use of the members of the Senate and House of Representatives.

To which the House has added the following amendment:

Strike out the words "ten thousand" and insert in lieu thereof "six thousand."

Strike out "four thousand," and insert in lieu thereof "two thousand."

I am also directed to inform the Senate that the House has amended and concurred in the following resolution of the Senate, to-wit:

Resolved by the Senate, (the House of Representatives concurring therein,) That there be ten thousand copies of Governor Conrad Baker's message and accompanying documents printed, one thousand copies thereof to be printed in German and nine thousand copies in English; that one thousand copies be delivered to the Governor for his private use, five thousand five hundred to be delivered to the members of the House, and the remainder to be delivered to the members of the Senate.

To which the House has added the following amendments:

Strike out the words in the fourth line of said resolution, and insert in lieu thereof the words "five thousand."

Strike out the words "and accompanying documents," in the sixth and seventh lines of said resolution.

Strike out all after the word "English," in the eleventh and twelfth lines of said resolution, and insert the following:

"And that five hundred copies be for the retiring Governor, and the remainder be for the use of the House and Senate: *Provided that the five thousand copies hereby ordered shall include the five thousand copies already ordered by the House, and now printed.*"

And the House respectfully ask the Senate to concur in the amendments to said resolutions.

Mr. Scott moved that the Secretary be instructed to pass to the proper committees all bills not reported at last special session.

Which was agreed to.

Mr. Bird asked and obtained leave of absence until to-morrow.

Mr. Brown moved that a committee of five be appointed to inquire into the controversy on seats.

The President announced as such committee Messrs. Brown, Chapman, Dwiggins, Fuller and Smith.

Mr. Friedley (of Lawrence) moved that the order of business be suspended, in order to take up engrossed House bill No. 294.

Which was agreed to.

Engrossed House bill No. 294—A bill appropriating one hundred and twenty-five thousand dollars to defray the expenses of the Forty-Eighth Regular Session of the General Assembly of the State of Indiana.

Which was read a first time.

Mr. Friedley (of Lawrence) moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill read a second and third time now.

The ayes and noes being taken under the rule.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bowman, Bunyan, Cave, Daggy, Daugherty, Dittemore, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Steele, Stroud, Taylor, Wadge, Williams and Winterbotham—35.

Those who voted in the negative were Messrs. Boone, Carnahan, Collett and Slater—4.

So the constitutional rule was suspended, and engrossed House bill No. 294—A bill appropriating one hundred and twenty-five

thousand dollars to defray the expenses of the Forty-Eighth Regular Session of the General Assembly of the State of Indiana,

Was read a second time.

Mr. Friedley (of Lawrence) offered the following amendment:

Amend by inserting after the word "officers," in the ninth line and third section, the words shall be the same as members of the General Assembly.

Mr. Williams moved that the bill be referred to the Committee on Finance.

Mr. Friedley (of Lawrence), moved to lay the motion on the table.

Messrs. Williams and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beeson Daugherty, Dittemore, Fuller, Francisco, Friedley (of Scott) Friedley (of Lawrence), Gregg, Hall, Howard, Oliver, Rhodes, Ringo, Steele, Taylor, and Winterbotham—16.

Those who voted in the negative were, Messrs. Armstrong, Boone, Bowman, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Dwiggin, Gooding, Harney, Haworth, Hough, Hubbard, Miller, Orr, Sarnighausen, Scott, Slater, Sleeth, Smith, Stroud, Wadge and Williams—25.

So the motion to lay on the table did not prevail.

The question recurring on the motion of Mr. Williams.

It was agreed to.

Mr. Brown from a select committee made the following report:

MR. PRESIDENT:

The select committee to whom was referred the question, as to whether Senator Hall, or Senator Daugherty is entitled to occupy seat No. 36, have had the same under consideration, and report that Senator Daugherty is entitled to the seat. The committee is of the opinion that there is no reason for interference in the case of

the Senator from Marion, and the Senator from Delaware. The question being on concurring in the report.

Messrs. Dittmore and Hall demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Boone, Brown, Bunyan, Carnahan, Chapman, Daggy, Fuller, Friedley (of Lawrence), Gooding, Gregg, Haworth, Hough, Howard, Hubbard, Miller, Oliver, Orr, Scott, Smith, Steele, Taylor, Wadge and Williams—25.

Those who voted in the negative were, Messrs. Armstrong, Bowman, Cave, Collett, Dittmore, Francisco, Friedley (of Scott), Harney, Rhodes, Sarnighausen, Sleeth, Stroud and Winterbotham—13.

So the report of the committee was concurred in.

BILLS ON SECOND READING.

Senate bill No. 37—an act to amend section forty-seven of an act entitled “An act to provide for opening, vacating and change of highways;” approved June 17, 1852.

Which was read the second time, and ordered engrossed for a third reading on to-morrow.

Senate bill No. 44—an act to amend an act entitled “An act to establish a House of Refuge for the correction and reformation of juvenile offenders;” approved March 8, 1867, and repealing section eleven of said act.

Which was read a second time and ordered engrossed for a third reading on to-morrow.

Senate bill No. 14—an act to amend section five of an act entitled “An act concerning mortgagae;” approved May 4, 1852.

Which was read a second time, and ordered engrossed for a third time on to-morrow.

Senate bill No. 32—an act to legalize the sale of seminary lands in Jasper county to Marion S. Spilter and Margaret Stackhouse, and directing how the proceeds of said sale shall be applied, and declaring an emergency. ✓

Which was read a second time and ordered engrossed for a third reading on to-morrow.

Senate bill No. 16—an act authorizing suits to be brought in the partnership name only, in certain cases, and declaring the effect thereof.

Which was read a second time, and ordered engrossed for a third reading on to-morrow.

Senate bill No. 50—an act to correct and define more correctly the boundary line between the counties of Washington and Clark, and declaring an emergency ;” approved June 7, 1852.

Which was read a second time and ordered engrossed for a third reading on to-morrow.

Senate bill No. 100—a bill to amend sections 352 and 354 of an act entitled “An act to revise, simplify and abridge the rules practice pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity ;” approved June 18, 1852.

Which was read a second time and ordered engrossed for a third reading on to-morrow.

Senate bill No. 76—an act defining the law and crime of libel, and prescribing the punishment therefor, and declaring an emergency.

Which was read a second time and ordered engrossed for a third reading on to-morrow.

Senate bill No. 75—an act defining the law of verbal slander and fixing the penalty therefor.

Which was read a second time and ordered engrossed for a third reading on to-morrow.

Senate bill No. 72—an act to amend the 397th section of “An act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in the Courts of this State, to abolish dis-

inct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a third time.

Mr. Collett offered the following amendment:

Provided, That in no case shall an action lie when the claim does not exceed ten dollars.

Mr. Bird moved to recommit the bill to the Committee on the Judiciary.

Which motion was agreed to.

On motion of Mr. Sarnighausen, Senate bill No. 122—an act to legalize, in certain cases and under certain conditions, appropriations made by Boards of County Commissioners to aid in building railroads previous to the 12th day of May, 1869, and where the appropriations were made without the authority of law, and declaring an emergency.

Was taken up and ordered engrossed for a third reading on to-morrow.

Senate bill No. 89—a bill to provide for the issuing of a non-negotiable bond to the School Fund, for certain sums of money heretofore advanced by or borrowed from said fund by the State.

Mr. Dwiggins moved to recommit the bill to the Committee on Finance, with the following instructions, to-wit:

Refer the bill to the Committee on Finance with instructions to inquire whether fifty thousand dollars of bills receivable, held by the State should not be embraced in the bond, and whether the State is not liable to pay the School Fund seven per cent. interest up to the passage of the act of 1871, and eight per cent. from that date.

Mr. Williams offered the following amendment to the instructions: Recommit to the Finance Committee, with instructions to report as to propriety of distributing the same money among the

counties, to be loaned by the auditors and treasurers of the different counties, as other School Funds are loaned.

Which was adopted.

The question recurring on the motion as amended.

It was agreed to.

Mr. Slater moved to suspend order of business and take up messages from the House.

Which was agreed to.

The amendments of the House to the concurrent resolution of the Senate, fixing the time for Joint Conventions to receive communications from the Woman's Suffrage Association.

Was taken up.

Mr. Slater moved to concur in amendments.

Which was not agreed to.

Mr. Dwiggin moved to reconsider the vote refusing to concur in the amendments of the House.

Which was agreed to.

Mr. Dwiggin moved to concur in the amendments with the following amendment: Strike out the words "2:30 o'clock p. m. and insert 10 o'clock a. m.

Mr. Dittmore moved to amend the amendment by striking out the word "Thursday" and insert the word "Friday."

Mr. Slater moved to lay the amendment to the amendment on the table.

Which was agreed to.

The question recurring on the motion by Mr. Dwiggin,

It was agreed to.

Mr. Steele moved to concur in the amendments of the House to

the concurrent resolution of the Senate, in regard to printing the Inaugural Addresses of Governor Hendricks and Lieutenant Governor Sexton.

Which was agreed to.

Mr. Orr moved to concur in the amendments of the House to the concurrent resolutions in relation to printing the message of Governor Baker.

Which was agreed to.

Mr. Brown moved to suspend the order of business and take up Senate bill No. 147.

Which was not agreed to.

By unanimous consent, Mr. Sleeth, from a select committee, made the following report:

MR. PRESIDENT:

Your select joint committee, to whom was referred the matter of selecting a time when the American Woman's Suffrage Association should have an opportunity of a hearing by this General Assembly, respectfully report that they have had the same under consideration, and recommend next Friday, at 2½ o'clock, as a suitable time for this General Assembly, in Joint Convention, in the Hall of the House of Representatives, to extend to said Association an opportunity for a respectful hearing of their views and claims.

On motion by Mr. Daugherty, the Senate adjourned.

LEONIDAS SEXTON,
President of Senate.

THURSDAY MORNING,

JANUARY 16th, 1873, 10 o'clock.

Senate met.

Journal of yesterday read and approved.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Glessner presented a petition from sundry citizens of Shelby county on the subject of Temperance.

Which was referred to the Committee on Temperance.

Mr. Taylor moved to take from the files of the Senate all petitions on the subject of temperance and refer the same to the Committee on Temperance.

Which was agreed to.

Mr. Glessner presented sundry petitions asking for the passage of Senate bill No. 31, authorizing a supplemental assessment.

Which was laid on the table.

Mr. Slater moved to refer all petitions on railroad laws, on the files of the Senate, to the Committee on Railroads.

Which was agreed to.

Mr. Neff asked to be excused from serving on Committee on Election, Committee Phraseology and arrangements of Bills, Committee on Expenditures and Joint Committee on Enrolled Bills.

The Senate refused to so excuse him.

The President laid before the Senate the report of the bank of the State of Indiana.

Which was referred to the Committee on Banks, without reading.

Mr. Dwiggin, from a select committee, submitted the following report.

MR. PRESIDENT :

The select committee to whom was referred a resolution enquiring as to the best mode of reporting and publishing the Brevier Legislative Reports, submit the following report: From the investigations we have made, we are of opinion that the reporting and

publishing of said Brevier Legislative Reports can be done by contract at considerable less cost than the State has heretofore been paying. Your Committee therefore recommend the passage of the accompanying resolution.

Resolved by the Senate, (the House of Representatives concurring), that a committee of eight, consisting of three Senators and five Representatives be appointed to employ an official reporter, one for the Senate and one for the House ; said committee shall also be authorized to contract for printing and binding of five hundred copies of the Brevier Legislative Reports of the present session ; said reports to be bound in half binding ; said committee shall report its action to both Houses and the contracts made by said committee shall be ratified by both Houses before the same shall be binding, *Provided*, that each House shall have the right to remove the reporters employed for such House at any time.

The question being on the adoption of the resolution as recommended by the committee.

Which was adopted.

The President announced as said committee, Messrs. Dwiggins, Sleeth and Dittemore.

Mr. Dwiggins presented claim of Speigel, Thoms & Co., for furniture furnished committee rooms at the last Special Session, amounting to \$77.00.

Which was referred to the Committee on Claims, without reading.

Mr. Dwiggins presented the claim of Adams, Mansur & Co. for material furnished committee rooms last special session, amounting to \$252.58.

Which was referred to the Committee on Claims without reading.

Mr. Daugherty offered the following :

WHEREAS, We have been creditably informed that there is about fifteen hundred dollars worth of stationery belonging to the State now in the hands of the Secretary of State ; therefore,

Resolved, That the doorkeeper be instructed to place a sufficient quantity of paper, ink and pens on the table of each Senator to do the business of the Senate.

The question being on the adoption of the resolution,

Mr. Orr moved to lay the resolution on the table.

Messrs. Slater and Orr demanded the ayes and noes.

Those who voted in the affirmative were Messrs. Beardsley, Beeson, Boone, Bunyan, Chapman, Carnahan, Collett, Daggy, Dwiggin, Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Miller, Neff, Oliver, Orr, Sleeth, Steele and Taylor—24.

Those who voted in the negative were Messrs. Armstrong, Bird, Bowman, Brown, Cave, Daugherty, Fuller, Francisco, Friedley (of Lawrence), Ringo, Sarnighausen, Scott, Slater, Smith, Stroud, Williams and Winterbotham—17.

So the resolution was laid on the table.

Message from the House by Mr. Nixon, Clerk thereof :

MR. PRESIDENT :

I am directed by the House of representatives to inform the Senate that the House has passed the following engrossed bills thereof, to-wit :

Engrossed House bill No. 200—a bill to authorize and empower board of county commissioners to equalize local county bounties to soldiers, to issue bonds or orders therefor, to levy and collect taxes for the redemption of such bonds or orders, declaring how such taxes may be collected, &c., &c.

Engrossed House bill 219—a bill to regulate the sale of drugs and medicines and fixing penalty for violation of the same, and the same are herewith transmitted to the Senate for its action thereon.

Mr. Scott offered the following resolution :

Resolved, That a committee of three be appointed to ascertain whether there is any, and what amount of stationery, in the hands of the Secretary of State and Librarian, owned by the State.

Mr. Dwiggin offered the following amendment, to-wit: Amend the resolution so as to require said committee to inquire by what authority said stationery was purchased.

Which amendment was adopted.

The question recurring on the adoption of the resolution as amended—was adopted.

The President announced as such committee Messrs. Scott, Dwiggin and Daugherty.

Mr. Fuller introduced Senate bill No. 208—an act to amend section nine of “An act concerning the mode of proceeding in criminal cases, defining felonies and misdemeanors, and prescribing the punishment therefor,” approved June 17, 1852, and providing an emergency.

Which was read a first time.

Mr. Beeson introduced Senate bill No. 209.—an act authorizing plank, Macadamized and gravel road companies, with the concurrence of township trustees, to levy a road tax in their respective districts.

Which was read a first time.

Mr. Armstrong introduced Senate bill No. 210—an act supplemental to an act entitled “An act to authorize aid to the construction of railroads by counties and townships, taking stock in and making donations to railroad companies,” approved May 12, 1869 and to authorize the Board of Commissioners in the several counties of this State, to extend the time of paying such tax for such donations, and to authorize them to wholly discharge the same from the tax duplicate.

Which was read a first time.

Mr. Friedley (of Scott) introduced Senate bill No. 211—an act providing for the payment to the township trustee of all moneys

which shall have been collected from a township for special or specific purposes, and providing penalties for the violation of the provisions of this act.

Which was read a first time.

Mr. Daugherty introduced Senate bill No. 212—an act to amend an amended act entitled “An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto,” approved December 20, 1865.

Which was read a first time.

Mr. Smith introduced Senate bill No. 213—an act to amend section 16 of an act entitled “An act concerning real property and the alienation thereof,” approved May 6, 1852.

Which was read a first time.

Mr. Taylor, from the Committee on Finance, submitted the following majority report:

MR. PRESIDENT :

Your committee, to whom was referred House bill No. 294, with the amendment to the same offered by the Senator from Lawrence, have had the same under advisement, and recommend that the amendment be amended so as to read “elective officers” instead of “officers,” and after this they recommend that the bill as amended do pass.

(Signed by a majority of the Committee.)

Mr. Daugherty submitted the following minority report:

MR. PRESIDENT :

The Finance Committee, to whom was referred House bill No. 294, appropriating \$125,000 to defray the expense of the present session of the Legislature, and with instruction to amend so as to allow the elective officers eight dollars per day, or same as members get, have had the same under consideration, and the minority of said committee beg leave to make the following report:

That the amendment be laid on the table, and then the bill shall pass.

The question being on concurring in the minority report,

Messrs. Slater and Wadge demanded the ayes and noes

Those who voted in the affirmative were Messrs. Armstrong, Beeson, Bird, Boone, Bowman, Carnahan, Cave Cahpman, Collett, Daggy, Daugherty, Dwiggins, Fuller, Glessner, Gooding, Gregg Harney, Haworth, Hough, Hubbard Miller, Neff, Ringo, Sarnighausen, Scott, Slater, Sleeth and Stroud—28.

Those who voted in the negative were Messrs. Beardsley, Brown, Bunyan, Dittemore, Friedley (of Scott), Friedley (of Lawrence), Hall, Howard, Oliver, Orr, Steele, Taylor, Wadge, Williams and Winterbotham—15.

So the minority report was concurred in.

Mr. Dittemore moved to suspend the order of business, and take up engrossed House bill No. 294.

Which was agreed to.

Engrossed House bill No. 294—a bill appropriating \$125,000 to defray the expenses of the forty-eighth regular session of the General Assembly of the State of Indiana.

The question being shall the bill pass?

Those who voted in the affirmative were Messrs. Armstrong, Beeson, Bird, Boone, Bowman, Bunyan, Brown, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggins, Fuller, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Steele, Stroud, Taylor, Wadge, Williams and Winterbotham—43.

No Senator voting in the negative.

So the bill passed.

The question being shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed Senate bill, to-wit:

Engrossed Senate bill No. 150—a bill to legalize taxes hereafter levied for purposes of tuition by the school trustees of any of the incorporated cities of this State, and authorize the collection of the same, and declaring an emergency.

Mr. Beeson moved that engrossed Senate bill No. 44 be stricken from the calendar.

Which was agreed to.

Mr. Orr moved that Senate bill No. 28 be laid on the table.

Which was agreed to.

Mr. Gooding moved to take from the table Senate bill No. 160—an act to amend an act to incorporate the Lawrenceburgh Insurance Company; approved February 3, 1832.

Which was agreed to.

Mr. Brown moved to suspend the order of business and take up Senate bill No. 147.

Which was agreed to.

Mr. Brown moved that the bill be considered engrossed and read a third time.

Which was agreed to.

Engrossed Senate bill No. 147—an act to exempt certain personal property from execution.

Which was read a third time.

By unanimous consent of the Senate the words "three hundred dollars" were stricken out and the words "five hundred dollars" added.

Mr. Brown moved to recommit the bill to a select committee of three, with instructions to report amendments exempting from sale on execution, personal property to an amount not exceeding one thousand dollars.

Which was agreed to.

Whereupon the President appointed as such committee Messrs. Brown, Hough and Glessner.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the following resolution of the Senate, to-wit:

Resolved by the Senate, (the House of Representatives concurring,) That the order directing the printing of the report of the Secretary of State be taken to mean and so construed as to exclude the appendix or exhibits accompanying said reports.

I am also directed to inform the Senate that the House does not concur in the amendments of the Senate to House amendments to the concurrent resolution providing for the convention of the two Houses to hear memorials and addresses from the Indiana State Women's Suffrage Association.

On motion of Mr. Beardsley the Senate took a recess until two o'clock.

AFTERNOON SESSION.

The Senate re-assembled at 2 o'clock, p. m.

MESSAGE FROM THE HOUSE.

Engrossed House bill No. 3—a bill to repeal an act for the construction of levees, dikes and drains by incorporated companies and association, which act took effect May 22, 1869; and also to repeal an act supplemental thereto, approved February 23, 1872, and saving from the operation of this act all works ten miles in length and under.

Which was read a first time.

Engrossed House bill No. 152—a bill to amend an act entitled "An act to provide for the incorporation of Railroad Companies," approved May 11, 1852.

Which was read a first time.

Engrossed House bill No. 115—a bill to repeal an act entitled "An act to regulate the sale of patent rights, and to prevent frauds in connection therewith," which took effect April 23, 1869.

Which was read a first time.

Engrossed House bill No. 151—a bill to amend an act to amend "An act to declare, abandoned certain unfinished railroads and to provide for their completion, to declare forfeited the franchises and for the assessment of the value thereof, for the organization of new companies and for making annual statements," approved March 11, 1867.

Which was read a first time.

Message from the House by Mr. Nixon, clerk thereof;

Mr. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following Engrossed bills thereof, to-wit :

Engrossed House bill No. 265—a bill defining professional prostitution and prescribing punishment therefor, and prescribing certain rules of evidence in prosecuting for such offense.

Engrossed House bill No. 301—a bill to change the time of holding the summer term of the Bartholomew Circuit Court.

Engrossed House bill No. 302—a bill to fix the time for holding the Bartholomew Common Pleas Court.

And the same are herewith submitted to the Senate for its action thereon.

By unanimous consent Mr. Brown from a select committee submitted the following report:

Mr. PRESIDENT:

The select committee to whom was referred Senate bill No. 147, with instructions to amend it, have had the same under consideration, and return the bill, and recommend that it be amended.

First. By striking out the second and third sections.

Second. Strike out all after the enacting clause of the first section and insert the following: That section one of an act entitled "An act to exempt property from sale in certain cases," be amended to read as follows: "That an amount of property not exceeding in value one thousand dollars, owned by any resident householder, married man or head of a family, dependent upon him for support, shall not be liable to sale on execution or any other final process from a court, for any debt growing out of or founded upon a contract express or implied."

Amend the title so it shall read as follows: "An act to amend section one of an act entitled 'An act to exempt property from sale in certain cases;' approved February 17, 1852;" and when the bill is so amended your committee recommend that it pass.

Mr. Glessner offered the following amendment:

Strike out of the first section the words "one thousand" and insert "eight hundred."

Mr. Steele moved to lay the amendment on the table.

Messrs. Glessner and Slater demanded the ayes and noes.

Those who voted in the affirmative were, Messrs Armstrong Bird, Boone, Bowman, Brown, Carnahan, Chapman, Friedley (of Lawrence), Hall, Harney, Haworth, Hough, Howard, Hubbard, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Steele, Taylor and Winterbotham—22.

Those who voted in the negative were, Messrs. Beeson, Bunyan, Cave, Collett, Daggy, Daugherty, Dwiggin, Fuller, Francisco, Friedley (of Scott), Glessner, Gooding, Gregg, Miller, Neff, Orr, Slater, Stroud and Williams—19.

So the motion to lay the amendment on the table was agreed to.

The question being, on concurring in the report of the committee.

It was agreed to.

Mr. Williams moved to recommit the bill to the Committee on Rights and Privileges, with instructions to strike out \$1,000 and insert \$500.

Mr. Brown moved to lay the motion on the table.

Messrs. Harney and Slater demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beeson, Boone, Brown, Carnahan, Friedley (of Lawrence), Gooding, Hall, Haworth, Hough, Hubbard, Rhodes, Scott, Steele, Taylor and Winterbotham—15.

Those who voted in the negative were Messrs. Armstrong, Bird, Bowman, Banyan, Cave, Chapman, Collett, Daggy, Daugherty, Dwiggin, Fuller, Francisco, Friedley (of Scott), Glessner, Gregg, Harney, Howard, Miller, Neff, Oliver, Orr, Ringo, Sarnighausen, Slater, Sleeth, Stroud and Williams—27.

So the motion to lay on the table was not agreed to.

Mr. Brown moved to amend motion of Mr. Williams by striking out the words "Committee on Rights and Privileges," and insert "select committee of three," and striking out the words "five hundred" and insert "six hundred dollars."

Mr. Williams moved to lay the motion on the table.

Messrs. Williams and Slater demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Bunyan, Carnahan, Cave, Dwiggins, Fuller, Francisco, Friedley (of Scott), Harney, Howard, Neff, Oliver, Sarnighausen, Scott, Slater, Stroud and Williams—17.

Those who voted in the negative were, Messrs. Beeson, Bird, Boone, Bowman, Brown, Chapman, Daggy, Daugherty, Friedley (of Scott), Glessner, Gooding, Gregg, Hall, Haworth, Hough, Hubbard, Miller, Orr, Rhodes, Ringo, Sleeth, Steele, Taylor and Winterbotham—24.

So the motion to lay on the table was not agreed to.

The question recurring on the motion of Mr. Brown to recommit to a select committee of three.

It was agreed to.

Whereupon the President appointed as such committee Messrs. Brown, Glessner and Hough.

Mr. Brown, from a select committee, submitted the following report:

MR. PRESIDENT :

The select committee to whom was referred Senate bill No. 147, with instruction to amend it, have had the same under consideration and return the bill, and recommend that it be amended—

First, by striking out the second and third sections.

Second—Strike out all after the enacting clause of the first section and insert the following: That section one of an act entitled "An act to exempt property from sale in certain cases," be amended to read as follows: That an amount of property not exceeding six hundred dollars, owned by any resident householder, married man, or head of a family, dependent upon him or her for support, shall not be liable to sale on execution, or any other final process, from a Court, for any debt growing out of or founded upon a contract, express or implied.

Amend the title, so it shall read as follows: "An act to amend section one of an act entitled 'An act to exempt property from sale in certain cases,' approved February 17, 1852."

And when the bill is so amended, your committee recommend that it pass.

Which report was concurred in.

The question being shall the bill pass.

Those who voted in the affirmative were Messrs. Beeson, Bird Boone, Brown, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Haworth, Hough, Hubbard, Oliver, Orr, Rhodes, Ringo, Scott, Sleeth, Steele, Taylor and Winterbotham—27.

Those who voted in the negative were Messrs. Armstrong, Bowman, Bunyan, Dwiggins, Fuller, Francisco, Friedley (of Scott), Harney, Howard, Miller, Neff, Sarnighausen, Slater, Stroud and Williams—15.

So the bill passed.

The question being shall the title as read stand as the title of the bill?

Mr. Brown moved to amend the title as follows:

“An act to amend section one of an act entitled ‘An act to exempt property from sale in certain cases;’ approved February 17, 1852.”

Which was agreed to.

The question being shall the title as amended stand as the title of the bill,

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Message from the Governor by Samuel R. Downey, his Private Secretary:

MR. PRESIDENT:

By direction of the Governor I have the honor to transmit here-

with a communication from his Excellency accompanied by a copy of a communication from Hon. James B. Ryan, Treasurer of State.

GENTLEMEN OF THE SENATE :

I submit for your consideration a communication of the Treasurer of State of this date, calling my attention to the fact that the act of December 12, 1872, providing for the payment of sundry bonds, does not authorize the cancelation of the bonds and coupons after their payment. I recommend that the officers charged with the execution of that law be directed to cancel and deface the bonds or stocks and coupons before placing them in the office of the Treasurer of State.

[Signed.]

THOMAS A. HENDRICKS,
Governor.

OFFICE OF TREASURER OF STATE, }
INDIANAPOLIS INDIANA, }
January 16, 1873. }

TO HIS EXCELLENCY THOMAS A. HENDRICKS, GOVERNOR STATE OF INDIANA :

SIR: I would respectfully call your attention to section three of enrolled act No. 85, entitled "An act to provide for the payment of sundry bonds or stocks, &c.;" approved December 12, 1872. Said section reads as follows :

SEC. 3. It shall be the duty of the Governor, Attorney General, Secretary of State, and Treasurer of State to exercise the utmost scrutiny in testing the genuineness and validity of each bond and coupon which may be presented for redemption under the provisions of this act, and no bond or coupon shall be paid or redeemed unless the same is surrendered to the Treasurer of State at the time of redemption, and the bonds and coupons so redeemed shall be preserved by the Treasurer of State, and be subject to such disposition as the General Assembly may hereafter cause to be made thereof, and the Governor, Attorney General, Secretary of State and Treasurer of State shall, immediately after making any redemption under this act, prepare and sign a detailed description of the bonds and coupons so redeemed, with the date

of their redemption, and such redemption shall be filed in the office of the Auditor of State, and shall be recorded by him in some book to be provided and kept for that purpose.

Your Excellency will observe that while it directs the State Treasurer to retain the bonds and coupons in the State Treasury until the Legislature may direct some disposition of them, it does not direct that the Governor, Attorney General, Secretary of State and Treasurer of State should see that the bonds or stocks and coupons were canceled or defaced before being placed in the vault of the Treasury for safe keeping.

I would respectfully suggest that your Excellency call the attention of the Legislature to the fact, recommending the passage of a joint resolution directing the defacing of the coupons and canceling of bonds redeemed before being placed in the State Treasury.

Your very obedient servant,

[Signed.]

JAMES B. RYAN,
Treasurer of State.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has had under consideration the message from the Senate announcing that the Senate refused to concur in the following resolution of the House, to-wit:

Resolved, That in view of the enactment of the per diem act cutting off stationery, that this House will not vote for any appropriation to pay for newspapers, and that the Senate be respectfully requested to concur herein, and that the House has refused to recede from the resolution notwithstanding the failure of the Senate to concur therein.

Mr. Bird moved to suspend the order of business and take up Senate bill No. 49.

Which was not agreed to.

Engrossed House bill No. 128—a bill empowering the board of trustees of any incorporated town within the State, to compel

owners of lots or parcels of lands within such town to plant, maintain and protect shade trees within the same, and declaring an emergency.

Which was read a first time.

Engrossed House bill No. 118—a bill making the parties competent witnesses as to certain matters in actions by executors or administrators upon contracts assigned to the decedent.

Which was read a first time.

Messrs. Glessner and Brown asked and obtained leave of absence until Saturday evening next.

Mr. Winterbotham asked and obtained leave of absence until Monday next.

Engrossed House bill No. 112—a bill to render wives competent to testify in actions brought for injuries done to them.

Which was read a first time.

Engrossed House bill No. 138—a bill to amend the third section of an act entitled "An act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and to complete unfinished school buildings, and pay debts contracted for erection of such buildings, and authorize the levy and collection of an additional special school tax, for the payment of principal and interest of such bonds," approved March 11, 1867.

Which was read a first time.

Engrossed House bill No. 174—a bill to amend the thirty-second section of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights and the manner in which they shall exercise the same, and regulate such other matters as properly pertain thereto," approved March 14, 1867.

Which was read a first time.

Engrossed House bill No. 123—a bill prescribing time for trans-

action of road business, and for appointment of superintendent and physician for poor.

Which was read a first time.

Engrossed House bill No. 171—a bill prescribing the manner of selecting petit jurors for the Circuit and Common Pleas Courts.

Which was read a first time.

Engrossed House bill No. 130—a bill to render uniform the rate of interest on the Common School Funds of the State of Indiana.

Which was read a first time.

Engrossed House bill No. 177—a bill fixing the time of holding the courts in the counties composing the First Judicial Circuit of this State, and repealing all laws conflicting herewith, and declaring an emergency.

Which was read a third time.

Engrossed House bill No. 136—a bill to amend section 647 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleading, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time.

Engrossed House bill No. 56—a bill authorizing the appropriation of money out of the State Treasury for the use of the "Indiana University," located at Bloomington, Monroe county.

Which was read a first time.

Engrossed House bill No. 210—a bill to amend the twentieth section of an act approved May 13, 1869, and entitled "An act to establish a Female Prison and Reformatory Institution for girls and women and to provide for the organization and government thereof and making appropriations."

Which was read a first time.

Engrossed House bill No. 218—a bill to amend section 208 of an act entitled “An act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of pleading and practice without distinction between law and equity,” approved June 18, 1852.

Which was read a first time.

Mr. Dwiggin gave notice that he would on to-morrow move to amend Senate bill No. 8.

Engrossed House bill No. 214—a bill to amend section twenty five and twenty-six of an act entitled “An act regulating descents and the apportionment of estates,” approved May 14, 1852.

Which was read a first time.

Engrossed House bill No. 170—a bill to amend the 157th and 664th sections of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity,” approved June 18, 1852.

Which was read a first time.

Engrossed House bill No. 178—a bill to amend section one of an act entitled, “An act to amend section seventy-seven of an act entitled, ‘An act to revise, simplify and abridge the rules, practice pleadings and forms in criminal actions in the courts of this State,’” approved June 17, 1852, approved December 20, 1865.

Which was read a first time.

Engrossed House bill No. 167—a bill to preserve the original manuscript journals of the Senate and House of Representatives of the General Assembly, and prescribing a penalty for the destruction or mutilation thereof.

Which was read a first time.

Engrossed House bill No. 188—a bill to amend section 433 of an act entitled “An act to revise, simplify and abridge the rules,

practice, pleadings, and forms in civil cases in the courts of this States, to abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.

Which was read a first time.

Mr. Hall moved to suspend the constitutional rule, requiring bills to be read on three several days, and read engrossed House bill No. 230, a first and second time by title.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Bunyan, Carnahan, Chapman, Collett, Daggy, Daugherty, Dwiggins, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Gooding, Gregg, Hall, Haworth, Hough, Howard, Hubbard, Neff, Oliver, Orr, Ringo, Sarnighausen, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Wadge, Williams and Winterbotham—38.

Those who voted in the negative were Messrs. Cave, Harney, Miller and Scott—4.

So the constitutional rule was suspended.

Engrossed House bill No. 230—a bill regulating coal mines and the working thereof, providing for the appointment of a mine inspector, regulating his duties and compensation, providing for the punishment of persons violating the provisions of this act, and fixing the time when the same shall take effect.

Which was read a first and second time by title.

Mr. Slater moved to refer the bill to the Committee on the Judiciary.

Mr. Scott moved to amend by referring the bill to the Committee on Rights and Privileges.

Mr. Smith moved to lay the motion of Mr. Scott on the table.

Which was not agreed to.

Mr. Williams moved to lay the bill on the table.

The President (Mr. Dwiggin in the chair) ruled that the motion of Mr. Williams was not in order.

Mr. Friedley (of Lawrence) moved to amend by striking out Committee on Rights and Privileges, and insert select committee of five.

Which motion was agreed to.

The question recurring on the motion as amended.

It was agreed to.

Mr. Fuller moved that the Senate do now adjourn.

Which motion was not agreed to.

Mr. Daggy moved to suspend the order of business and take up Senate bill No. 205.

Which was agreed to.

Senate bill No. 205—a bill regulating coal mines and the working thereof.

Which was read a second time by title, and referred to the select committee having in charge House bill No. 230.

Mr. Taylor gave notice that on to-morrow he would move to change the rules of the Senate so as to create a standing Committee on Mines and Mining.

Engrossed House bill No. 200—a bill to authorize and empower Boards of County Commissioners to equalize local county bounty to soldiers, to issue bonds or orders thereof, to levy and collect taxes for the redemption of such bonds or orders, declaring how such taxes may be collected, when such bonds or orders shall be issued, the time when they shall be paid, the rate of interest thereon, and legalizing such as have been issued, and declaring an emergency.

Which was read a first time.

On motion of Mr. Sarnighausen, the Senate adjourned.

LEONIDAS SEXTON,

Lieutenant Governor.

FRIDAY MORNING.

JANUARY 17, 1873, 10 o'clock.

Senate met.

The Journal of yesterday was being read when Mr. Slater moved that the further reading of the same be dispensed with.

Which was not agreed to.

Pending the reading of the Journal of yesterday, Mr. Orr moved to dispense with the further reading thereof.

Which motion was agreed to.

The President announced the select committee on engrossed House bills Nos. 230 and 205 to be Messrs. Friedley (of Lawrence), Collett, Beeson, Bird and Smith.

The President announced the joint committee on redistricting the State for judicial purposes, as follows: Messrs. Glessner, Gooding and Hubbard.

By unanimous consent the message from the House in regard to the joint convention of the two Houses for the purpose of hearing addresses and communications from the agents of the American Women's Rights Association, was taken up.

The question being shall the Senate recede from its amendment to the concurrent resolution of the House,

It was agreed to.

By consent of the Senate the message of the Governor concerning communication from the Treasurer of State in relation to the cancellation of Canal Bonds, was taken up.

Mr. Harney moved to refer the message and accompanying papers to the Committee on Finance.

Which motion was agreed to.

Message from the House by Mr. Nixon, clerk thereof ;

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills, to-wit :

Engrossed House bill No. 76—a bill to amend an act to enable the owners of wet lands to drain and reclaim them where the same cannot be done without effecting the lands of others, &c., approved March 11, 1867.

Engrossed House bill No. 291—a bill defining what counties shall constitute the third Judicial Circuit.

Engrossed House bill No. 293—a bill to repeal an act entitled, "An act fixing the time and mode affecting State Printer, defining his duties, fixing compensation and repealing all laws coming in conflict with this act, passed March, 1859, and to abolish the office of State Printer; and the same are herewith transmitted to the Senate for its action thereon.

PETITIONS, MEMORIALS AND RESOLUTIONS.

Mr. Bunyan presented a petition from W. Rawles, G. B. Hall and six others in relation to railroads.

Which was referred to the Committee on Railroads.

Mr. Beeson presented a petition from the citizens of the city of Richmond asking for the passage of a law by which the legal voters of incorporated cities may from time to time elect school commissioners, &c., &c.

Which was referred to the Committee on Education.

Mr. Sleeth offered the following concurrent resolution :

Resolved by the Senate, (the House of Representatives concurring therein), that the Senate and House of Representatives meet in joint convention in the Hall of the House of Representatives at 2:30 o'clock this afternoon to hear addresses and memorials from the American Womans' Suffrage Association.

Which resolution was adopted.

Mr. Hubbard asked and obtained indefinite leave of absence after to-day.

Mr. Friedley (of Lawrence) offered the following resolution :

Resolved, That the Committee on Finance be and they are hereby instructed to inquire into the expediency of taxing the agents of mercantile and manufacturing houses of other States who sell their goods, wares and merchandise by sample in this State, and that said committee have leave to report by bill or otherwise.

Which resolution was adopted.

Mr. Friedley (of Scott) offered the following resolution :

WHEREAS, This Senate chamber has been entered after the door-keeper has locked the doors and gone home, and the books and stationery have been taken from Senators' desks ; therefore,

Resolved, That the door-keeper be and he is hereby instructed to place a bed in the folding room for the use of the night guard.

Mr. Dittmore offered the following amendment, to-wit :

Strike out "bed and guard" and insert "procure good locks."

Which amendment was not agreed to.

The question being on the adoption of the resolution,

It was adopted.

Mr. Dwiggin offered the following resolution, to

Amend Rule 8 of the standing rules of the Senate by striking out the word "one," in the first line of said rule, and insert in lieu thereof the word "two," so that the rule will read : "thirty-two standing committees," at the close of said rule 8, after the words "thirty-first," on railroads, and these words, "thirty-second," on Women's Suffrage.

Mr. Taylor offered the following :

Resolved, That the President of the Senate be authorized to

appoint a committee of seven on Mines and Mining, which committee shall be one of the standing committees of the Senate, and shall be numbered thirty-two.

Mr. Dwiggin accepted the amendment by Mr. Taylor to Rule 8, and incorporated it in his original resolution.

Mr. Dittemore called for a division of the question.

The question first being on amending the rule, so as to provide for a Committee on Women's Suffrages,

Messrs. Dittemore and Dwiggin demanded the ayes and noes.

Those who voted in the affirmative were Messrs. Beardsley, Beeson, Bowman, Bunyan, Collett, Dwiggin, Friedley (of Scott), Hall, Haworth, Howard, Neff, Rhodes, Ringo, Scott, Sleeth, Taylor and Wadge—17.

Those who voted in the negative were Messrs. Armstrong, Bird, Boone, Carnahan, Cave, Chapman, Daugherty, Dittemore, Fuller, Francisco, Friedley (of Lawrence), Gooding, Gregg, Harney, Hough, Hubbard, Miller, Oliver, Orr, Sarnighausen, Slater, Smith, Steele, Stroud and Williams—25.

So the amendment to the rule was not adopted.

The question being on the adoption of Mr. Taylor's resolution,

It was adopted.

Mr. Fuller introduced Senate bill No. 214—an act declaring any person who is in the habit of becoming intoxicated ineligible to holding office of public trust, prescribing the duty of county commissioners and judges of the Supreme Court, in such cases, and making it a misdemeanor for any one to sell or give any intoxicating drinks except cider to any one who is an habitual drunkard, prescribing punishment therefor, and declaring an emergency.

Which was read a first time.

Mr. Scott introduced Senate bill No. 215—an act providing for

the leasing of railroads, and authorizing one railroad company to aid another railroad company.

Was read a first time.

Mr. Sleeth introduced Senate bill No. 216—an act to prevent minors from playing billiards and other games in tippling houses.

Was read a first time.

Mr. Boone introduced Senate bill No. 217—a bill to authorize satisfaction of mortgages in certain cases.

Was read a first time.

By consent, Mr. Haworth submitted the following report:

MR. PRESIDENT:

The committee to whom was referred Senate bill No. 64—"A bill creating a department of statistics, and prescribing rules and regulations for the government of the same," have had the same under consideration, and direct me to report the same back with the following amendment, to-wit:

Strike out all after the enacting clause, and insert the following: That the Secretary of State be, and he is hereby authorized and required to establish in his office a Bureau of Statistics, and to collect information and prepare tables concerning agriculture mining, manufactures, education, crime, public taxes and expenditures, corporation, immigration, and vital and social statistics in this State; and to collate, record and report to the Governor all statistical information so obtained, at the close of each civil year; and the Board of Public Printing, if there be one, otherwise the Governor, shall cause the same, or so much thereof as may be, in his judgment, of public utility to be published and distributed.

SEC. 2. That it shall be the duty of the Secretary of State to prepare, and cause to be printed, specimen sheets of blanks and registers, such as may be required for the purposes of this act, and to furnish them to the county auditors and clerks, county assessors and township trustees, and all other persons requiring the same, and to give all necessary information and directions to all civil officers and other persons required by law to collect, register, or

return statistics. He may also procure such blanks and registers in quantities, and furnish them at cost to all such officers and persons when they desire him to do so. He shall use due diligence to secure from all persons a prompt obedience to the provisions of this act. He shall be furnished by all civil and corporation officers as promptly as possible with copies of all annual and other reports required by law to be made for public information; and he shall have a right of access to all public records, reports, schedules, and statements of officers of the State, which may assist him in the discharge of the duties of this act.

SEC. 3. It shall be the duty of the Auditor of State, in lieu of of the statements required to be made in his annual report, in section 132 of the act "to provide for a uniform assessment of property," approved December, 1872, to transfer to the office of the Secretary of State all returns of agriculture statistics contemplated by said section. It shall also be the duty of said Auditor to require of the County Assessors, in addition to the lists prescribed in said act, to take an annual list of the population of their several counties, by townships and cities, designating nativity, color, sex and age—such lists to be made and returned in the manner prescribed concerning agricultural products. It shall also be the duty of said Auditor to furnish said Secretary with convenient access to all reports, lists, schedules, and statements made by banks, insurance companies, and all other corporations, partnerships and persons, under the provisions of said act, that he may tabulate their contents for statistical purposes. And it shall also be the duty of said Auditor, when desired so to do by the Secretary, to require such additional statements as will show the annual business of such corporations, partnerships and persons, when engaged in the business of mining, manufacturing, banking, insurance, or transportation of persons, freights, or messages.

SEC. 4. That it shall be the duty of every clergymen, justice of the peace, or other person solemnizing marriage, to return the certificate thereof now required by law, to the proper clerk within thirty days thereafter. Every physician, midwife, or other person principally officiating at the birth of any child in this State, shall, within thirty days thereafter, certify the fact of such birth to the trustee of the township in which birth may occur, setting forth the county, time, color and sex, and name of child, and whether born in marriage or otherwise. Every physician, surgeon and coroner

who shall attend any person in his or her last sickness, or who may be called to view the body of any dead person, shall certify the fact to the township trustee within thirty days, setting forth the county, time, and cause of death, and the name, age, sex and color of the person as far as may be known. Every undertaker, sexton, grave-digger, or other person, who have principal charge of the burial of any dead person, shall be required, in the order named in like manner, to certify the same to the township trustee. It shall be the duty of the township trustee of the several townships of this State, to record the facts set forth in such certificates in proper registers; and annually on the first day of April to foot up such registers, and send duplicate copies of such footings to the county clerk, and such clerk shall file one copy thereof in his office, and shall forward the other to the Secretary of State; and any person who shall refuse or neglect to perform any duty enjoined on him by this section, shall be guilty of a misdemeanor.

Sec. 5. That it shall be the duty of all justices of the peace, mayors and criminal judges, and all other judicial officers whose business is not of record, in the offices of the county clerks to keep accurate registers of both their civil and criminal business, and on the first day of April each year to report abstracts thereof, setting forth the number of cases, the amount of claims, the number and amount of judgments, and the amount of costs. Also the number of persons charged with crimes, arrested, discharged, held to bail, committed, tried, acquitted, convicted, fined and imprisoned, the number of bonds taken, forfeited and collected, and the amounts thereof, which report shall be transmitted to the county clerk of the respective counties, and by them filed, and a copy of each forwarded to the Secretary of State. And a refusal or neglect to keep such registers, or to make or forward such reports, shall constitute a misdemeanor.

Sec. 6. That it shall be the duty of the clerk of each county of this State, to register in suitable books, the civil and criminal business of his office as follows :

In a civil register, the suits brought, amount claimed, dismissed, tried, judgments rendered, amount, costs assessed, executions issued, and sales thereon.

In a divorce register, the applications for a divorce, withdrawn, tried, granted, refused, cause assigned, and amount of alimony.

In a criminal register, the informations, indictments, crime, ar-

rests, committals, trials, dismissals, acquittals, convictions, fines, imprisonments, recognizances taken, forfeited and collected.

He shall annually, on the first day of April, sum up, digest and arrange his registers, and within thirty days thereafter, he shall forward to the Secretary of State a copy of such summaries together with the number of marriage licenses issued, and of certificates returned. And any clerk who shall refuse or neglect to keep such registers, or to make such returns, shall be guilty of a misdemeanor.

SEC. 7. That any person guilty of a misdemeanor, under the provisions of this act, upon being convicted thereof in any court of competent jurisdiction, shall be fined in any sum not exceeding fifty dollars for each offence. And every refusal or neglect to discharge the duties enjoined by this act, for the space of one month, shall constitute a separate misdemeanor. And all misdemeanors arising under the provisions of this act shall be prosecuted by information of the prosecuting attorneys, as in other cases.

SEC. 8. That the report and registry of statistics required by the provisions of this act, shall begin on the first day of April, 1873. Such returns, registries and reports being made for information only, shall not be assessed for taxation, can be used as evidence in any suit concerning taxes.

SEC. 9. That in order to enable the Secretary of State to discharge the duties of this act, he shall be allowed to employ one clerk in addition to the clerks otherwise allowed by law at a salary not exceeding twelve hundred dollars per year. He shall also be allowed his necessary expenses on account of blanks, blank books, printing, stationery, postage, and expressages, such expenses to be allowed by the Auditor only on bills filed and certified by the Secretary.

SEC. 10. There being no provision of law for the record, report and publication of statistics, an emergency exists, wherefore this act shall be in force from and after its passage.

The report was concurred in.

Bill read a second time and ordered engrossed for a third reading on to-morrow.

Mr. Rhodes introduced Senate bill No. 218—an act to encourage the destruction of foxes.

Which was read a first time.

By consent of the Senate Mr. Scott, from a select committee submitted the following report.

MR. PRESIDENT :

The undersigned committee appointed to ascertain what stationery is now in the office of Secretary of State, and in the office of State librarian owned by the State and purchased for the use of the General Assembly under the provisions of the act of 1871, have made an examination of said offices and find that the Secretary of State has in his office about twenty-four hundred dollars worth of stationery, purchased for the use of the General Assembly under the provisions of section forty-five of the act of 1871, prior to the passage of the act of 1872 regulating the per diem of members. Your committee find no stationery in the office of the State Librarian belonging to the State, furnished under the provisions of the first-named act.

Which report was concurred in.

MESSAGES FROM THE HOUSE.

Engrossed House bill No. 212—a bill defining the misdemeanor of keeping houses of ill-fame, the renting or leasing of property to be used as a house of ill-fame, and prescribing punishment therefor, and prescribing certain rules of evidence in prosecutions for such offenses.

Which was read a first time.

Engrossed House bill No. 302—a bill fixing the time of holding the common pleas court in the county of Bartholomew.

Which was read a first time.

Mr. Smith made the following report :

MR. PRESIDENT :

The Committee on Phraseology of Bills and Engrossed Bills

would respectfully report that they have examined and compared the following bills, and find the same correctly engrossed :

Engrossed Senate bill No. 14—an act to amend section fifth of an act entitled “An act concerning mortgages ;” approved May 4, 1852.

Engrossed Senate bill No. 16—an act authorizing suits to be brought in the partnership name only, in certain cases, and declaring the effect thereof.

Engrossed Senate bill No. 37—an act to amend section forty-seven of an act entitled “An act to provide for opening, vacating and change of highways.

Engrossed Senate bill No. 50—an act to correct and define more correctly the boundary line between the counties of Washington and Clark, and declaring an emergency ; approved June 7, 1852.

Engrossed Senate bill No. 75—an act defining the law of verbal slander, and fixing the penalty therefor.

Engrossed Senate bill No. 100—a bill to amend sections 352 and 354 of an act entitled “An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State ; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity ;” approved June 18, 1852.

Engrossed Senate bill No. 126—an act to amend section one of an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto ;” approved March 5, 1859.

Engrossed House bill No. 301—a bill to change the time of holding the circuit court of Bartholomew county, at its summer term.

Which was read a first time.

Engrossed House bill No. 219—a bill to regulate the sale of drugs and medicines and fixing penalty for violation of the same.

Which was read a first time.

Engrossed House bill No. 265—a bill defining professional prostitution and prescribing punishment therefor, and prescribing certain rules of evidence in prosecutions for such offenses.

Which was read a first time.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following preamble and resolution, to-wit:

WHEREAS, The Governor, in his late message to the General Assembly, at the late extra session thereof, recommended that further provisions be made for the care and treatment of the insane persons within the State, and that the State should be divided into three hospital districts, viz.: a Central, a Northern and a Southern; therefore,

Be it Resolved by the House, (the Senate concurring,) That the Committees on Benevolent Institutions, of the two Houses, be instructed to prepare plans for buildings necessary to carry out said recommendation, with the estimated cost thereof, and also prepare and report a bill dividing the State into districts, and providing for the erection of said buildings, and the government of the same.

In which the concurrence of the Senate is respectfully requested.

Mr. Hall moved the Senate take a recess until two o'clock P. M.

Which was not agreed to.

SENATE BILLS ON SECOND READING.

Senate bill No. 105—an act to authorize the Courts of Common

Pleas to determine who the heirs, legatees or distributees of a decedent are, and to order partial distribution of his estate among such heirs, distributees or legatees, prior to the final settlement of his estate, and declaring an emergency.

Was read a second time by title and referred to the Committee on the Judiciary.

Senate bill No. 106—an act to prescribe the qualifications of petit jurors in the several counties of the State.

Which was read a second time by title and referred to the Committee on the Judiciary.

Senate bill No. 107—an act to secure the valuation and taxation of new railroads.

Which was read a second time by title.

Mr. Neff moved to indefinitely postpone.

Which was agreed to.

Senate bill No. 108—a bill in relation to the qualifications of jurors in certain cases therein named.

Which was read a second time by title and referred to the Committee on the Judiciary.

Senate bill No. 109—an act to amend section thirty-one of an act entitled “An act to provide for the organization of savings banks, and the safe and proper management of their affairs,” approved May 12, 1869, and declaring an emergency.

Which was read a second time by title and referred to the Committee on Banks.

Senate bill No. 110—an act to repeal section eighteen, and to amend section twenty-four of an act entitled “An act regulating descents and the apportionments of estates,” approved May 14, 1852.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 111—an act in to amend section five of an act entitled “An act to secure a just valuation and taxation of all railroad property within this State, to legalize the valuation, assessment, adjustment and payment of taxes for such property, made subsequent to the year 1859, and declaring an emergency.

Which was read a second time by title.

Mr. Neff moved to indefinitely postpone the consideration of the bill.

Which motion was agreed to.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the following resolution of the Senate, to-wit :

Resolved by the Senate, (the House of Representatives concurring therein), That the Senate and the House will meet in the Hall of the House of Representatives, in Joint Convention, at 2½ o'clock this afternoon, to hear addressess and memorials from the “American Woman’s Suffrage Association.”

Senate bill No. 113—a bill to provide for calling a convention to revise, alter, or amend the Constitution of Indiana.

Was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 116—an act to amend sections 95, 96 and 97 of an act entitled “An act providing for the settlement of decedents’ estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements,” approved June 17, 1852, and legalizing certain sales of real estate heretofore made by foreign administrators, and declaring an emergency.

Was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 117—an act regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incident thereto, and repealing all laws conflicting with this act, and declaring an emergency.

Was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 119—a bill to amend an act entitled “An act to establish Courts of Common Pleas, and defining the jurisdiction and duties of,” and providing compensation for the judges thereof.

Was read a second time by title, and referred to the Committee on the Organization of Courts.

Senate bill No. 120—an act to protect the ballot box, to procure a fair election, to define felonies, and prescribe punishment therefor

Was read a second time by title; and referred to the Committee on Rights and Privileges.

Senate bill No. 121—a bill for an act to amend an act entitled “An act to authorize aid for the construction of railroads by counties and townships, taking stock in and making donations to railroad companies,” approved May 12, 1869, and declaring an emergency.

Was read a second time by title, and referred to the Committee on Corporations.

Senate bill No. 123—an act to amend section 22 of an act entitled “An act concerning enclosures, trespassing animals; and partition fences,” approved June 4, 1852, declaring it a misdemeanor to violate the provisions of this act, prescribing punishment therefor, and declaring an emergency for the taking effect of this act.

Was read a second time by title, and referred to the Committee on Agriculture.

Senate bill No. 125—a bill to provide for the finishing of the State building, at the corner of Washington and Tennessee streets, by erecting stone platforms in front of the offices on both of said streets.

Was read a second time by title, and referred to the Committee on Public Buildings.

Senate bill No. 127—an act in relation to the collection of promissory notes and contracts, given for a patent right or territory for a patent right, authorizing the collection of judgments taken by default in certain cases to be enjoined, enlarging the defense to such notes and contracts, when payable in bank, providing when such suits shall be commenced, and declaring an emergency.

Was read a second time by title, and referred to the Committee on the Judiciary.

Mr. Collett, from joint committee on enrolled bills, would respectfully report that they have examined and compared enrolled Senate act No. 150, entitled "An act to legalize taxes heretofore levied for purposes of tuition, by the school trustees of any of the incorporated cities of this State, and to authorize the collection of the same, and declaring an emergency," and find the same correctly enrolled.

Senate bill No. 128—an act relating to the rights and powers of married women.

Was read a second time by title, and referred to the Committee on Rights and Privileges.

Senate bill No. 129—an act relating to insurance companies (joint stock companies).

Was read a second time by title, and referred to the Committee on Insurance.

Senate bill No. 131—an act supplemental to an act entitled "An act to establish a Female Prison and Reformatory Institution for Girls and Women, and to provide for the organization and government thereof, and making appropriations," approved May 13, 1869.

Was read a second time by title, and referred to the Committee on Reformatory Institutions.

Senate bill No. 132—a bill to amend the twentieth section of an act, approved May 13, 1869, and entitled "An act to establish a

Female Prison and Reformatory Institution for Girls and Women, to provide for the organization and government thereof, and making appropriations."

Was read a second time by title, and referred to the Committee on Judiciary.

Senate bill No. 133—an act to provide for a more extended and improved system of college and university education.

Was read a second time by title and referred to Committee on Education.

Senate bill No. 136—an act pertaining to division walls and digging cellars where there is adjoining property of another person in cities or towns.

Which was read a second time by title and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Senate bill No. 138—a bill prescribing the limitation of civil actions and proceedings upon judgments and decrees of courts and repealing all laws in conflict therewith.

Which was read a second time by title and referred to the Committee on the Judiciary.

Senate bill No. 139—an act to enable railroad companies to alter their lines in certain cases, and declaring an emergency.

Which was read a second time by title, and referred to the Committee on Railroads.

Senate bill No. 140—a bill to amend section three and repeal section four of an act entitled "An act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof," approved May 31, 1852.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 142—an act providing for taking the senses of the qualified voters of this State on the calling of a Convention to alter, amend or revise the Constitution of this State.

Which was read a second time by title and referred to the Committee on the Judiciary.

Senate bill No. 143—an act to sustain all persons from hiring or employing persons under the age of twenty-one years to make or vend by the wholesale or retail any spirituous or intoxicating liquors, and prescribing penalties therefor, and declaring an emergency.

Which was read a second time by title, and referred to the Committee on Temperance.

Senate bill No. 144—an act to amend section four of an act entitled “An act authorizing the assessment of lands for plank, Macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject,” approved March 11, 1867, approved May 14, 1869, providing compensation for county auditors in such assessments, and declaring an emergency.

Which was read a second time by title and referred to the Committee on County and Township Business.

Senate bill No. 152—an act to amend section twenty-six of an act entitled “An act regulating descents and the apportionment of estates,” approved May 14th, 1852, and declaring an emergency.

Which was read a second time by title and referred to the Committee on the Judiciary.

Senate bill No. 153—an act to amend an act entitled “An act to create a State Normal School,” and declaring an emergency, approved December 20, 1865, and adding supplemental sections thereto, and providing for certain appropriations.

Which was read a second time by title and referred to the Committee on Education.

Senate bill No. 154—an act to amend the seventh section of an act entitled “An act regulating the granting of divorces, nullifications of marriages and decrees, and orders of court incident thereto,” approved May 13, 1852.

Which was read a second time by title, and referred to the Committee on Rights and Privileges.

Senate bill No. 155—an act to provide for the reimbursement of certain counties therein named, of certain taxes illegally assessed and collected for the year 1869, and paid into the State Treasury, and declaring an emergency.

Which was read a second time by title and referred to a select committee of five, consisting of Messrs. Bowman, Orr, Brown, Boone and Harney.

Senate bill No. 156—an act to authorize cities constructing waterworks to issue bonds and to dispose of the same in aid of the construction of such water works.

Which was read a second time by title, and referred to the Committee on Corporations.

Senate bill No. 158—an act to repeal an act entitled “An act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies,” approved May 12, 1869, and declaring an emergency.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 162—an act to repeal an act repealing section thirty-one of an act entitled “An act concerning real property and the alienation thereof,” approved May 6, 1869, and to authorize the record of deeds or transcript thereof to be read in evidence in courts of Justice in this State.

Which was read a second time and referred to the Committee on the Judiciary.

Senate bill No. 163—an act to amend section seven of an act entitled, “An act providing for the election or appointment of Supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto,” and declaring an emergency.

Was read a second time by title and referred to the Committee on County and Township business.

Senate bill No. 164—a bill for an act to fix the number of Senators and Representatives in the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State.

Which was read a second time by title.

Mr. Williams moved that the bill be referred to a select Committee of one from each Congressional District.

Mr. Dwiggins moved to lay the motion and the bill on the table.

Messrs. Slater and Williams demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beeson, Bunnan, Chapman, Collett, Daggy, Dwiggins, Friedley (of Scott), Friedley (of Lawrence), Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Orr, Rhodes, Scott, Sleeth, Taylor and Wadge—21.

Those who voted in the negative were, Messrs. Armstrong, Bird, Boone, Bowman, Cave, Daugherty, Fuller, Gregg, Harney, Ringo, Sarnighausen, Slater, Smith, Steele, Stroud and Williams—16.

By unanimous consent, Mr. Smith offered the following resolution:

- *Resolved*, That the Joint Committee on Public Buildings make a thorough examination of the Capitol building, and ascertain so far as may be, whether any change can be made so as to give the State Geologist more room; whether any repairs can be made to correct the rapid decay of the stone work around the foundation; whether some repairs are necessary to prevent the falling of the columns on the southwest corner and northeast corner of said building; and whether it is advisable to re-paint or re-plaster any portion; whether it is advisable to make any and what repairs out or inside of said building, and the cost of the same, and what length of time the building will be a safe and suitable place for the meeting of the two Houses of the General Assembly, with the proposed repairs, and without the proposed repairs.

Which resolution was adopted.

On motion of Mr. Hough, the Senate took a recess until two o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled at 2 o'clock p. m.

By consent, Mr. Hubbard offered the following resolution :

WHEREAS, By the charter of the "Buffalo and Mississippi Railroad Company," approved February 6, 1835, it was provided in section twenty-five, "That when the aggregate amounts of dividends declared shall amount to the full sum invested and ten per cent. per annum thereon, the Legislature may so regulate the tolls and freights that no more than fifteen per cent. per annum shall be divided on the capital employed, and the surplus profits, if any, after paying the expenses and reserving such proportions as may be necessary for future contingencies, shall be paid over to the Treasurer of State for the use of common schools, but the corporations shall not be compelled by law to reduce the tolls and freights so that a dividend of less than twenty per cent. can not be made; and it shall be the duty of the corporation to furnish the Legislature, if required, with a correct statement of the amount of expenditures and the amount of profits after deducting all expenses, which statement shall be under the oath of the officers whose duty it shall be to make the same; and,

WHEREAS, No such statement has ever been made the General Assembly of Indiana; therefore, be it

Resolved by the Senate, (the House of Representatives concurring therein), That said corporation be required to furnish this General Assembly, during the present session, a correct statement, properly verified, of the following matters, namely :

- 1st. The amount of expenditures of such corporations.
- 2d. The amount actually expended in the construction of the road of said corporation.
- 3d. The amount of profits of such corporation after deducting all expenses.

Be it further resolved, That his Excellency, the Governor of this State, be and hereby is requested to forward a copy of this resolution, properly authenticated, to the President of the Lake Shore and Michigan Southern Railroad Company: *Provided*, that

nothing herein contained shall be construed as recognizing the legal existence of said corporation, or waiving any forfeiture by it.

Which resolution was adopted.

ORDERED, That the Secretary inform the House thereof.

SPECIAL ORDER.

The hour of two o'clock having arrived, it being the hour fixed for the consideration of Senate bill No. 4, entitled "A bill to provide for the assessment and collection of taxes for municipal purposes, on the shares of stock owned in banks and banking associations doing business in this State," was taken up.

Mr. Gregg moved to postpone the further consideration of the special order, and that Senate bill No. 4 be made the special order for next Tuesday at 10:30 o'clock A. M.

Which was agreed to.

Mr. Collett offered the following report :

MR. PRESIDENT :

Your committee on Phraseology of Bills and Engrossed Bills, to whom was referred Senate bill No. 32—a bill to legalize the sale of seminary lands in Jasper county to Marion L. Spilter and Margaret Stackhouse and directing how the proceeds of said sale shall be applied, and declaring an emergency—would respectfully report that they have compared the same and find it correctly engrossed.

Mr. Collett made the following report :

MR. PRESIDENT :

Your committee on Phraseology and engrossed Bills respectfully report that they have compared Senate bill No. 122—a bill to legalize in certain cases and under certain conditions appropriations made by boards of county commissioners to aid in building railroads previous to the 12th of May, 1869, and where the appropriations were made without the authority of law, and declaring an emergency—and find the same correctly engrossed.

Mr. Collett made the following report :

MR. PRESIDENT :

Your committee on Phraseology and Engrossed Bills would respectively report that they have examined Senate bill No. 76—a bill defining the law and crime of libel, and prescribing the punishment therefor, and declaring an emergency,” and find the same correctly engrossed.

Senate bill No. 23—an act to authorize the county commissioners of the several counties of this State to appropriate money to aid in putting or keeping in repair any canal running in, through, or along any such county.

Which was read a second time and ordered engrossed for a third reading on to-morrow.

Senate bill No. 36—an act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children, repealing an act regulating the same, approved May 6, 1852, and declaring an emergency.

Which was read a second time and ordered engrossed for a third reading for to-morrow.

Mr. Collett made the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled Bills have compared Senate enrolled act No. 150 with its engrossed bill, and find the same correctly enrolled.

Messages from the House by two members thereof, informing the Senate that the House was ready to receive the Senate in joint convention to receive communications from the Woman's Suffrage Association.

The Senate, preceded by the President, repaired to the hall of the House.

The Senate reassembled in Senate chamber.

Mr. Friedley, of Lawrence, moved that when the Senate adjourn, it adjourn until Monday next, January 20, at 2 o'clock p. m.

Which motion was agreed to.

On motion of Mr. Dittemore the Senate adjourned.

MONDAY MORNING.

JANUARY 20, 1873, 2 O'CLOCK P. M.

The Senate met.

Prayer by the Rev. Mr. Black.

The journal of Friday was being read, when Mr. Haworth moved to dispense with the further reading thereof.

Which motion was not agreed to.

Pending the reading of the journal.

Mr. Daugherty moved that the further reading thereof be dispensed with.

Which was agreed to.

Mr. O'Brien presented claim of Rebecca A. Williamson for the sum of three hundred and fifty dollars.

Which was referred to the committee on claims without reading.

Mr. Neff presented the following claims, to-wit:

One in favor of Liberty Ginn, for the sum of thirty-three dollars. One in favor of Henry C. Klein, for eighteen dollars and eighty cents. One in favor of O. H. Swain, for the sum of twenty-nine dollars and fifty cents. One due George W. Speilker, for the sum of fourteen dollars and eighty cents. One in favor of Joel R.

McKinney, for the sum of twenty dollars. One in favor of William Can, for the sum of twenty five dollars and twenty cents.

Which was referred to the Committee on Claims without reading.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate, that in accordance with a resolution of the two Houses, creating a Joint Committee on Claims, he has appointed on said Committee on the part of the House Messrs. Riggs, Dial, Cobb, Shutt, Lenfesty and Hendricks.

Mr. Boone presented petition from sundry citizens of Jackson county on the subject of Temperance.

Which was referred to the Committee on Temperance without reading.

Mr. Bowman, Chairman of Select Committee on ——— submitted the following report:

MR. PRESIDENT:

The Select Committee to whom was referred Senate bill No. 155—a bill to provide for the reimbursement to certain counties therein named of certain taxes illegally assessed and collected for the year 1869, and paid into the State Treasury, have had the same under consideration, and direct me to report the same back without amendment and recommend that the same do pass.

Which report was concurred in.

Mr. Friedley, of Lawrence, offered the following resolution to-wit:

WHEREAS, The sum of five hundred dollars was allowed by the General Assembly at its last Special Session to Messrs. Osborn and Calkins of Laporte, Ind., for professional services performed for the State, by the employment of the Governor, in and about the matter of the Calumet Feeder Dam, and

WHEREAS, the said sum so appropriated was by mistake omitted from the general appropriation bill of the last General Session aforesaid, therefore,

Be it resolved by the Senate, (the House concurring), that said sum of five hundred dollars (\$500) be and the same is hereby appropriated out of any money on hand in the State Treasury not otherwise appropriated for the payment of said sum to the said Osborn & Calkins, and the same shall be audited by the Auditor of State upon certificate and warrant signed by the President of the Senate and Speaker of the House of Representatives and after being so audited the same shall be paid by the Treasurer of the State as aforesaid.

Which was referred to the Joint Committee on Claims.

Mr. Boone offered the following concurrent resolution :

Resolved by the Senate, (the House of Representatives concurring therein), that a committee consisting of two Senators and three Representatives, be appointed whose duty it shall be to examine the books, accounts, vouchers, and reports of the Superintendent of the Indiana Soldiers' and Seamen's Home in accordance with the wishes of that officer expressed in his report of the 31st of October, 1872, together with such other evidence, as they shall deem necessary and proper, and report to this General Assembly whether or not the funds entrusted to the care of the said Superintendent, have been properly applied and whether his report and accounts thereof are true and correct.

Which concurrent resolution was adopted.

ORDERED: That the Secretary inform the House of the adoption thereof.

Mr. Dwiggins offered the following resolution, to-wit:

WHEREAS, at the Special Session of the Forty-Eighth General Assembly, there was allowed to the Guttenberg Company \$476.60, for copies of the "Telegraph" furnished the Senate at the *regular* session of the Legislature; and,

WHEREAS, at the same session there was allowed said company the sum of \$687.40 for papers furnished the Senate during the Special Session of the Legislature, 1872; and,

WHEREAS, at the same session there was allowed to said company the further sum of \$495.00 for Daily Telegraph furnished the Senate during the session of the Legislature, 1871; therefore,

Resolved, That the Committee on Claims be instructed to inquire and report whether said Guttenberg Company have not duplicated their bills and received double pay for papers furnished the Senate.

Which was adopted.

Mr. Dittemore asked and obtained leave of absence until tomorrow.

Mr. Beardsley introduced Joint Resolution No. 4—a joint resolution authorizing the sale of certain personal property therein mentioned.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dwiggin, Fuller, Francisco, Friedley (of Lawrence), Gooding, Gregg, Hall, Haworth, Hough, Howard, Miller, Neff, Oliver, Sarnighausen, Slater, Smith, Steele, Stroud, Taylor, Williams and Winterbotham—34.

No Senator voting in the negative, so the Joint Resolution passed.

The question being, shall the title as read stand as the title of the Joint Resolution?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the Joint Resolution.

Mr. Beardsley introduced Senate bill No. 219—an act to provide for the construction and maintainance of fish ladders and providing penalties for the violation of the same.

Which was read a first time.

Mr. Steele introduced Senate bill No. 220—an act affording relief to counties and townships voting aid to railroad companies,

and repealing all laws inconsistent therewith, and declaring an emergency.

Which was read a first time.

Mr. Friedley (of Lawrence) introduced Senate bill No. 221—a bill to amend section fifteen of an act entitled “An act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties,” approved June 11, 1852, and repealing all laws contravening the provisions of this act.

Which was read a first time.

Mr. Daggy introduced Senate bill No. 222—an act making it unlawful for owners and proprietors of billiard tables to suffer or permit minors to play at or upon the same, or to suffer or permit minors to congregate at or about such billiard tables, and providing penalties for the violation of this act.

Which was read a first time.

Mr. Taylor moved that the message of Governor Baker and the Inaugural Address of Governor Thomas A. Hendricks be made the special order for two o'clock p. m. on to-morrow.

Which motion was agreed to.

The President announced as the committee on the part of the Senate under the concurrent resolution in relation to the examination of books, accounts, vouchers and reports of the Superintendent of the Indiana Soldiers' and Seamen's Home, &c., to be Messrs. Boone and Bunyan.

Mr. Friedley (of Lawrence) introduced Senate bill No. 223—a bill to legalize certain acts of notaries public.

Which was read a first time.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled acts, to-wit:

Enrolled act No. 294 (H. R.)—an act appropriating \$125,000 to defray the expenses of the Forty-Eighth Regular Session of the General Assembly of the State of Indiana.

Enrolled act No. 150 (Senate)—an act to legalize taxes heretofore levied for purposes of tuition, by the school trustees of any of the incorporated cities of this State, and to authorize the collection of the same, and declaring an emergency.

And the same are herewith transmitted to the Senate for the signature of the President thereof.

The President announced that he had signed enrolled act of the Senate No. 150—an act to legalize taxes heretofore levied for purposes of tuition, by the school trustees of any of the incorporated cities of this State, and to authorize the collection of the same, and declaring an emergency.

Enrolled act of the House No. 294—an act appropriating \$125,000 to defray the expenses of the Forty-Eighth Regular Session of the General Assembly of the State of Indiana.

Engrossed House bill No. 291—a bill defining what counties shall constitute the Third Judicial Circuit.

Which was read a first time.

MESSAGES FROM THE HOUSE.

Engrossed House bill No. 293—a bill to repeal an act entitled “An act fixing the time and mode of electing State Printer, defining his duties, fixing compensation, and repealing all laws coming in conflict with this act,” passed March, 1859, and to abolish the office of State Printer.

Which was read a first time.

Mr. Steele moved to suspend the constitutional rule requiring bills to be read on three several days, and read the bill a second time now.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Bowman, Bunyan, Cave, Chapman, Daggy, Daugherty, Dwiggins, Fuller, Gooding, Haworth, Hough, Howard, Miller, Neff,

Sarnighausen, Slater, Smith, Steele, Stroud, Taylor and Williams—23.

Those who voted in the negative were, Messrs. Bird, Boone, Brown, Carnahan, Collett, Dittemore, Francisco, Hall, O'Brien, Oliver and Winterbotham—11.

So the constitutional rule was not suspended.

Engrossed House bill No. 76—a bill to amend an act entitled "An act to enable owners of wet lands to drain and reclaim them, where the same can not be done without affecting the lands of others, and prescribing the powers and duties of county boards and county auditors in the premises, and repealing all laws inconsistent therewith," approved March 11, 1867, by amending sections one, three, four, six, nine, eleven and twelve.

Which was read a first time.

BILLS ON SECOND READING.

Mr. Dittemore moved to take Senate bill No. 172 from the table and refer it to the Committee on Fees and Salaries.

Which motion was agreed to.

Senate bill No. 29—an act to provide for the enlargement of the State House grounds, by vacating a certain street and alley therein named, and by acquiring certain real estate therein described, in order to furnish a suitable site for a new State House.

Which was read a second time.

Mr. Slater moved that the bill be considered engrossed, and that the constitutional rule requiring bills to be read on three several days be suspended, and the bill read a third time now.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were Messrs. Armstrong, Beardsley, Bird, Boone, Bowman, Brown, Bunyan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Lawrence), Gooding, Hall, Haworth, Hough, Howard, Miller, Neff, O'Brien, Oliver, Sarnighausen, Sla-

ter, Steele, Smith, Sleeth, Stroud, Taylor, Wadge, Williams and Winterbotham—36.

No Senator voting in the negative except Mr. Carnahan—1.

So the constitutional rule was suspended.

Senate bill No. 29—an act to provide for the enlargement of the State House grounds by vacating a certain street and alley therein named and by acquiring certain real estate therein described, in order to furnish a suitable site for a new State House.

Which was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were, Messrs Armstrong, Beardsley, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Lawrence), Gooding, Hall, Haworth, Howard, Miller, Neff, O'Brien, Oliver, Sarnighausen, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Williams and Winterbotham—35.

No Senator voting in the negative.

So the bill passed.

The question being shall the title as read stand as the title of the bill,

Mr. O'Brien moved to strike out of title all after the word "grounds."

Which was agreed to.

The question being shall the title as amended "An act to provide for the enlargement of the State House grounds," stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Collett, from the Joint Committee on Enrolled Bills, submitted the following report, to-wit:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his signature the following enrolled acts, to-wit:

Enrolled act No. 294, of the House, entitled "An act appropriating \$125,000 to defray the expenses of the Forty-Eighth Regular Session of the General Assembly of the State of Indiana. Also,

Enrolled act of the Senate No. 150 entitled "An act to legalize taxes heretofore levied for purposes of tuition, by the school trustees of any of the incorporated cities of this State, and authorizing the collection of the same, and declaring an emergency."

Senate bill No. 33—a bill to amend an act entitled "An act to incorporate the Indiana Fire and Marine Insurance Company."

Which was read a second time.

By consent the bill was not ordered engrossed for a third reading, but passed over informally for amendments.

Senate bill No. 35—an act to amend sections seventeen and twenty-nine of an act entitled "An act to repeal all laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.

Which was read a second time.

Mr. Williams moved to refer the bill to the Committee on Incorporations.

Mr. Brown moved to amend by referring the bill to the Committee on the Judiciary.

The question being on the amendment to the amendment.

It was agreed to.

Mr. Oliver was granted leave of absence until to-morrow.

Senate bill No. 69—an act to authorize and empower cities incorporated under any general law of this State for the incorporation of cities, and owning real estate, to sell and convey the same in whole or in parcels, as the common council of such city or cities may deem expedient, and prescribing in what manner the same may be conveyed, and declaring an emergency.

Which was read a second time.

Mr. Bird offered the following amendment—an amendment to Senate bill No. 69:

SECTION 3. No such property shall be sold until the same has been appraised by three disinterested freeholders of such city to be appointed by the judge of the Circuit Court of the county in which such city may be situated, neither of whom shall be members of the city council, or officers or employes of such city. Said appraisers shall be first sworn to make a just and true valuation of such property, and shall return their appraisal in writing to the mayor or common council of such city, and no such property shall be sold for less than the full appraisal value thereof.

The question being on the adoption of the amendment.

It was adopted, and the bill ordered engrossed for a third reading on to-morrow.

Mr. Williams moved to refer the bill to the Committee on the Judiciary.

Mr. Brown moved to amend by correcting the Journal of Friday so as to show that the bill was read a second time, and ordered engrossed.

Mr. Dittemore moved to lay Mr. Brown's motion on the table.

Messrs. Dittemore and Brown demanded the ayes and noes.

Those who voted in the affirmative were Messrs. Armstrong, Boone, Bunyan, Carnahan, Cave,⁴ Daugherty, Dittemore, Friedley (of Lawrence) and Stroud—9.

Those who voted in the negative were Messrs. Beardsley, Bird, Brown, Bunyan, Chapman, Collett, Daggy, Dwiggins, Fuller,

Francisco, Gooding, Gregg, Hall, Haworth, Hough, Howard, Miller, Neff, O'Brien, Sarnighausen, Slater, Sleeth, Smith, Steele, Taylor, Williams and Winterbotham—27.

So the motion to lay on the table did not prevail.

The question recurring on the motion by Mr. Brown that the journal be corrected,

Messrs. Dittemore and Friedley (of Lawrence) demanded the ayes and noes.

Those who voted in the affirmative were Messrs. Armstrong Beardsley, Bird, Boone, Brown, Bunyan, Carnahan, Chapman, Collett, Daggy, Dwiggins, Fuller, Francisco, Gooding, Gregg, Hall, Haworth, Hough, Howard, Miller, Neff, O'Brien, Sarnighausen, Sleeth, Smith, Steele, Taylor and Winterbotham—28.

Those who voted in the negative were Messrs. Bowman, Cave, Daugherty, Dittemore, Friedley (of Lawrence), Slater, Stroud and Williams—8.

So the motion prevailed.

Mr. Brown moved that the consideration of the bill be made a special order for Wednesday next, January 22, at 2 o'clock P. M.

It was so ordered.

Mr. Hall, from the Committee on Engrossed Bills, submitted the following report, to-wit:

MR. PRESIDENT:

The Engrossing Committee respectfully report that they have examined Senate bill No. 23, entitled "A bill to authorize the Boards of Commissioners of the several counties of this State to appropriate money to aid in putting or keeping in repair any canal running through such counties," and find the same to be correctly engrossed.

On motion by Mr. Fuller the Senate adjourned.

LEONIDAS SEXTON,
President of Senate.

TUESDAY MORNING.**JANUARY 21, 1873, 10 O'CLOCK, A. M.**

Senate met.

Journal of yesterday read and approved.

REPORTS FROM STANDING COMMITTEES.

Mr. Steele, from the Committee on the Judiciary, submitted the following report:

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 117, entitled a bill regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incident thereto, and repealing all laws conflicting with this act, and declaring an emergency, have instructed me to report that they have had the same under consideration, and they recommend that the same be indefinitely postponed.

Mr. Orr moved to strike out the words "indefinitely postponed" from the report of the committee on Senate bill No. 117, and insert "do lie on the table."

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following bills, to-wit:

Engrossed House bill No. 297—a bill supplemental to "An act to authorize aid to construction of railroads by counties and townships taking stock in and making donations to railroad companies, approved May 12, 1869.

Engrossed Senate bill No. 159—a bill to provide for the submission to the qualified voters of this State, for their ratification or rejection, a proposed amendment to the constitution of Indiana

therein mentioned, and declaring an emergency, and the House has adopted the accompanying amendments to said bill.

Engrossed amendment of the House of Representatives to Senate bill No. 159: Strike out the words "28th day of January," in the second line of section two, and insert "18th day of February," in which the concurrence of the Senate is respectfully requested.

SPECIAL ORDER FOR THE DAY.

The hour having arrived for the consideration of Senate bill No. 4, the same was taken up.

Senate bill No. 4—a bill to provide for the assessment and collection of taxes for municipal purposes on the shares of stock owned in banks and banking associations doing business in this State.

Which was read a second time.

Mr. Brown moved to take from the table the majority and minority reports on Senate bill No. 4 made Dec. 13, 1872.

Which was agreed to.

MAJORITY REPORTS OF THE COMMITTEE.

MR. PRESIDENT:

The Committee on Banks to whom was referred Senate bill No. 4—a bill to provide for the assessment and collection of taxes for municipal purposes on the shares of stock owned in banks and banking associations doing business in this State. Have had the same under advisement, and a majority of the committee report the following amendment as a substitute for said bill.

Strike out all after the enacting clause and insert the following: "That the shares or capital stock owned or held by any person or body corporate in this State in any bank or banking association chartered or organized under the laws of the State, or under the laws of the United States, and having its banking house or place of business in this State, shall be included in the valuation of the personal property of the owner or holder thereof for taxation where such owner or holder resides, for municipal and all other purposes the same as other personal property, and shall be assessed in the same manner and taxed at the same rate as other personal property.

SEC. 2. *Be it further enacted,* That the shares or capital stock owned or held by any person not an inhabitant of this State, in any such bank or banking association shall be subject to taxation for municipal and all other purposes at the place where the bank is situated, the same as other personal property.

SEC. 3. So much of any act or part of act as may conflict with this act, be, and the same is hereby repealed.

SEC. 4. Whereas an emergency exists, therefore this act shall be in force from and after its passage.

And recommend that said substitute bill do pass.

MINORITY REPORT OF COMMITTEE.

MR. PRESIDENT :

The committee on banks and banking, on the part of the minority of said committee, beg leave to report, that we have had under consideration Senate bill No. 4, entitled, "A bill to provide for the assessment and collection of taxes for municipal purposes on the shares of stock owners in banks and banking associations, doing business in this State and concur in this report.

That Senate bill No. 4 is an exact copy of House bill No. 6, introduced into the House of Representatives of the 47th General Assembly of the State of Indiana, and referred by said body to the Committee on the Judiciary, and by that Committee reported back with the unanimous recommendation that it pass. Afterwards, to-wit: On the 9th day of February, 1871, said bill passed the House of Representatives with the endorsement of 85 yeas to 8 noes. The bill was received in the Senate on the 10th day of February, 1871, and failed to pass that body by reason of the abrupt termination of the Legislature.

The bill reported herewith is ample in all its provisions to carry out the object and purposes expressed in the title. The object of the bill is to tax the shares of national banks for municipal purposes, at the town or city where the bank is located, at the same rate that other personal property is taxed. The bill reported by the majority of the committee provides that the shares in national banks shall be taxed when the owners thereof reside respectively, and not in the town or city where the bank is located, unless the owner of the stock resides in such town or city, non-residents excepted. At the time of the enactment of the general tax law of

this State the State banks were not subject to taxation for municipal purposes, and no provision was made for the place where their stock should be taxed for municipal purposes. It was provided, however, that the stock of merchants and manufacturers should be taxed where located. Municipal taxation rests upon the theory that the property situated in the city and protected by its government should bear its proper share of the burden of supporting such government. If the shares of banks are to be taxed where the owner resides, then the owners of bank stock residing in the county would have no tax to pay for municipal purposes though the bank was located in the city and their property had the protection of the city government. Congress has long since given the power to tax the shares of capital stock of national banks and banking associations for city and municipal purposes. (See sec. 87, Revision of the U. S. Statutes, title LxB, National Banks.) The cities and towns of this State have long suffered for the want of necessary legislation upon this subject.

It is therefore recommended that the bill herewith reported be passed.

Mr. Brown moved to recommit the whole subject matter under consideration to the Committee on the Judiciary.

On motion of Mr. O'Brien the Senate took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Senate re-assembled at 2 o'clock, p. m.

The question pending at adjournment being on the motion of Mr. Brown to recommit Senate bill No. 4, together with the reports of the committee thereon, to the Committee on the Judiciary, with instructions.

Mr. Fuller moved to lay the motion of Mr. Brown on the table.

Which motion was agreed to.

Mr. Gooding moved to reconsider the vote tabling Mr. Brown's motion to recommit the bill, and the reports thereon, to the Committee on the Judiciary.

Which was agreed to.

The question being on the motion of Mr. Brown to refer the bill and the whole subject-matter under consideration to the Committee on the Judiciary.

Messrs. Fuller and Slater demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beardsley, Bird, Brown, Bunyan, Carnahan, Collett, Daggy, Dittemore, Dwiggins, Gooding, Haworth, Hough, Howard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Scott, Steele, Taylor, Wadge, Williams and Winterbotham—25.

Those who voted in the negative were, Messrs. Armstrong, Beeson, Boone, Bowman, Cave, Chapman, Dougherty, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gregg, Hall, Harney, Ringo, Sarnighausen, Slater, Smith and Stroud—19.

So the motion to recommit was agreed to.

The question pending at the taking up of the special order, being the consideration of Senate bill No. 4, was, on the motion by Mr. Orr, to strike out the words "indefinitely postponed" from the report of the committee on Senate bill No. 117, and insert "do lie on the table."

Mr. Dwiggins offered the following substitute for the motion of Mr. Orr:

I move to recommit the bill to the Judiciary Committee with instructions to amend the bill as follows, to-wit:

Amend the second section by adding after the word "connivance" these words, "or consent."

Amend the second subdivision of section two by striking out the word "two" in line two, and insert in lieu thereof the word "one."

Amend section two by adding thereto the following: "Fifth,

Impotency." "Sixth, the conviction subsequent to the marriage of either party of a felony."

Which was accepted by Mr. Orr.

Mr. Gooding moved to lay the motion on the table.

Messrs. Friedley (of Lawrence) and Gooding demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Bird, Boone, Bowman, Brown, Chapman, Daggy, Dittemore, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Hough, Oliver, Rhodes, Slater, Smith, Steele and Winterbotham—20.

Those who voted in the negative were Messrs. Armstrong, Beeson, Bunyan, Carnahan, Cave, Collett, Daugherty, Dwiggins, Hall, Harney, Haworth, Howard, Miller, Neff, O'Brien, Orr, Ringo, Sarnighausen, Scott, Stroud, Taylor and Williams—22.

So the motion to lay on the table was not agreed to.

Mr. Glessner offered the following amendment to the substitute by Mr. Dwiggins:

Amend the instructions so as to allow parties in divorce cases to testify therein.

Mr. Dittemore moved to lay the amendments of Messrs. Dwiggins and Glessner on the table.

Messrs. Harney and Brown demanded the ayes and noes.

Those who voted in the affirmative were Messrs. Bird, Boone, Bowman, Brown, Cave, Chapman, Daggy, Dittemore, Fuller, Francisco, Friedley (of Lawrence), Gooding, Gregg, Oliver, Rhodes, Slater, Smith, Steele, Williams and Winterbotham—20.

Those who voted in the negative were Messrs. Armstrong, Beeson, Bunyan, Carnahan, Collett, Daugherty, Dwiggins, Glessner, Hall, Harney, Haworth, Hough, Howard, Miller, Neff, O'Brien, Orr, Ringo, Sarnighausen, Scott, Stroud and Taylor—22.

So the motion to lay on the table did not prevail.

Mr. Brown moved to lay the amendment of Mr. Glessner on the table.

Mr. Dittemore moved to lay the whole subject on the table.

Mr. Williams asked for a division of the question.

The President decided that the question was not divisible.

The question being on the motion of Mr. Dittemore to lay the whole subject on the table,

Messrs. Bunyan and Harney demanded the ayes and noes.

Those who voted in the affirmative were Messrs. Bird, Boone, Bowman, Brown, Chapman, Daggy, Dittemore, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Oliver, Rhodes, Slater, Smith, Steele and Winterbotham—19.

Those who voted in the negative were Messrs. Armstrong, Beeson, Bunyan, Carnahan, Cave, Collett, Daugherty, Dwiggin, Hall, Harney, Haworth, Hough, Howard, Miller, Neff, O'Brien, Orr, Ringo, Sarnighausen, Scott, Stroud, Taylor and Williams—23.

So the motion did not prevail.

The question recurring on the motion of Mr. Brown to lay Mr. Glessner's amendment on the table,

Messrs Sarnighausen and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were Messrs. Boone, Bowman, Brown, Bunyan, Cave, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor and Williams—32.

Those who voted in the negative were Messrs. Armstrong, Beeson, Bird, Carnahan, Chapman, Collett, Daggy, Friedley (of Lawrence), Glessner, Wadge and Winterbotham—11.

So the motion to lay the amendment of Mr. Glessner on the table was agreed to.

Mr. Brown moved to refer the whole matter to a select committee of three, to consist of Messrs. Orr, Glessner and Neff.

Mr. Dittemore moved that the whole matter be indefinitely postponed.

Mr. Brown moved to lay Mr. Dittemore's motion on the table.

Messrs. Friedley (of Lawrence) and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bowman, Brown, Bunyan, Carnahan, Chapman, Collett, Daugherty, Dwiggin, Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Taylor, Wadge and Williams—31.

Those who voted in the negative were Messrs. Bird, Boone, Cave, Daggy, Dittemore, Fuller, Francisco, Friedley (of Lawrence), Slater, Smith, Steele, Stroud and Winterbotham—13.

So the motion prevailed.

The question recurring on the motion of Mr. Brown to refer the whole matter under consideration to a select committee of three, it was decided out of order.

Pending a motion to refer to the Committee on the Judiciary,

Mr. Harney moved to amend by referring the whole matter to the Committee on Rights and Privileges.

Mr. Harney moved the previous question, which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, on the motion to refer to the Committee on Rights and Privileges.

It was agreed to.

REPORTS FROM STANDING COMMITTEES.

Mr. Hall, from the Engrossing Committee, submitted the following report:

MR. PRESIDENT:

Your Engrossing Committee have examined engrossed Senate

bill No. 36, entitled "An act regulating prosecution in cases of bastardy," etc., and respectfully report same correctly engrossed.

Mr. Steele, from the Committee on Judiciary, submitted the following:

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 162, an act entitled "An act to repeal section thirty-one of an act entitled an act concerning real property and its alienation thereof, approved May 6, 1869, and to authorize the record of deeds, or transcripts thereof, to be read in evidence in courts of justice in this State," report that they have had the same under consideration, and I am instructed by said committee to return the same, with the recommendation the same do pass.

Which report was concurred in.

Mr. Smith, from the Committee on Phraseology and Arrangement of Bills and Enrolled Bills, to whom was referred engrossed Senate bill No. 64, entitled "A bill for the collection and publication of statistics," have had the same under consideration and direct me to report that the same is correctly engrossed.

Which report was concurred in.

Mr. Collett, from the Committee on Engrossed Bills, submitted the following report:

MR. PRESIDENT :

The Committee on Engrossed Bills report that they have had Senate bill No. 69, entitled "An act to authorize and empower cities incorporated under any general law of this State," owning real estate, to sell and convey the same, etc., under their consideration, and report the same correctly engrossed.

Which report was concurred in.

Mr. Daggy, from the Committee on the Judiciary, submitted the following report:

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 116, to amend sections ninety-five, ninety-six, and ninety-

seven, of an act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of the officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements, approved June 17, 1852, and legalizing certain sales of real estate heretofore made by foreign administrators and declaring an emergency, have had the same under consideration, and directed me to report the same, recommending its passage.

Which report was concurred in.

Mr. Gooding, from the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred Senate bill No. 106 entitled "An act prescribing the qualifications of petit jurors in the several counties of this State," have had the same under consideration and direct me to report the same back and recommend that it pass.

Mr. Daggy, from the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred petition No. 9 from certain citizens of Cass county in relation to repealing or modifying the act of 1869, authorizing aid in the construction of railroads, have had the same under consideration and directed me to return the same with the recommendation that it lie on the table for the reason that the subject matter thereof is under consideration in several bills on the same subject.

Which was concurred in.

Mr. Gooding, from the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 132 entitled, An act to amend the twentieth section of an act

approved May 13th, 1869, and entitled, "An act to establish a Female Prison and Reformatory Institution for girls and women, to provide for the organization and government thereof and making appropriations," have had the same under consideration, and direct me to report the same back, and recommend its passage.

Which report was concurred in.

Mr. Gooding, from the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 140, entitled, "An act to amend section three and repeal section four of an act entitled, " An act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contest thereof," approved May 31, 1852, have had the same under consideration, and direct me to report the same back and recommend its passage.

Which was concurred in.

MAJORITY REPORT.

Mr. Steele, from the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 110, entitled "An act to repeal section eighteen and to amend section twenty-four of an act entitled, an act regulating descents and the apportionments of estates," report that they have had the same under consideration, and I am instructed by the majority of said committee to return the same with the recommendation that it lay upon the table.

MINORITY REPORT.

Mr. Daggy, from the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate

bill No. 110, have had the same under consideration and the minority of said committee recognizing the rights of married women in the property held by their husbands at death, especially such property as was acquired during the marriage relation and believing that unjust restrictions upon the full ownership and enjoyment of the same are not in accordance with the spirit of the age and the rights of married women, and for the purpose of relieving the statute of such an odious restriction as is contained in said sections eighteen and twenty-four the said minority of said committee recommend the passage of said bill.

The question being on concurring in the minority report of the committee.

Mr. Brown moved to lay the minority report on the table.

Which motion was agreed to.

The question being on concurring in the majority report.

It was concurred in.

Mr. Wadge was granted leave of absence until Tuesday next.

Mr. Brown, from the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 152, "A bill to amend section twenty-six of an act regulating descents and the apportionments of estates," approved May 14, 1852, authorize me to report that they have had the same under consideration and to return the same with the recommendation that the passage of the bill be indefinitely postponed.

Which report was concurred in.

RESOLUTIONS.

Mr. Brown offered the following resolution :

WHEREAS, The Select Committee of the Senate have no clerk,
Resolved, That Dr. W. F. Sherwood be employed as a clerk for all of the Select Committees in the Senate, and at any time

when he is not employed by the Select Committees he shall render clerical service for any Standing Committee of the Senate desiring him to do so.

Which was adopted.

Mr. Orr offered the following resolution :

Resolved by the Senate, (the House concurring), that the Librarian is hereby instructed to procure a new flag to be placed on the flag staff to float over the State Capital.

Mr. Williams moved to lay the resolution on the table.

Which was not agreed to.

The question recurring on the adoption of the resolution.

Which was adopted.

Mr. Dwiggins moved to take up message from the House containing amendments to Senate bill No. 159.

Which was agreed to.

The question being on concurring in the amendment of the House.

Which was agreed to.

On motion by Mr. Glessner, the Senate adjourned.

LEONIDAS SEXTON,
Lieut. Gov. and President of the Senate.

WEDNESDAY MORNING.

JANUARY 22, 1873, 10 O'CLOCK.

Senate met.

Prayer was made by the Rev. Charles Rayman, of the city of Indianapolis.

Journal of yesterday was being read, when Mr. Beeson moved that the further reading thereof be dispensed with.

Which was agreed to.

Message from the Governor by Samuel R. Downey, his Private Secretary :

MR. PRESIDENT :

By direction of the Governor, I have the honor to lay before the Senate a communication relative to the report of Hon. Patrick Shannon, Agent of State :

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, JANUARY 21, 1873. }

GENTLEMEN OF THE SENATE :

The report by Hon. Patrick Shannon, Agent of State, of the transactions of his office, from January 1, 1871, to December 31, 1872, inclusive, was placed in my hands by him with the request that I lay it before the General Assembly. There being but one copy of the report, I have caused it to be transmitted to the House of Representatives, and deem it proper to advise the Senate of the fact.

Mr. Orr presented a petition from sundry citizens of Delaware county, asking that House bill No. 8 be taken from the table and passed—a bill relating to hunting on enclosed grounds.

Which was referred to the Committee on Rights and Privileges without reading.

Mr. Beardsley presented three several petitions from sundry citizens of Elkhart county, on the subject of Temperance.

Which was referred to the Committee on Temperance without reading.

Mr. Beeson presented a petition from many citizens of Wayne county, asking the speedy completion of the Indiana Reformatory Institute for Women and Girls, etc.

Which was referred to the Committee on Reformatory Institutions without reading.

Mr. Glessner presented a petition from many citizens of Liberty township, Shelby county, Ind., asking the passage of Senate bill No. 31, authorizing a supplemental assessment for the benefit of turnpike and gravel roads.

Which was laid on the table at the request of Mr. Glessner.

Mr. Rhodes presented a petition from sundry citizens respecting the "collection of taxes without impairing the title to real estate."

Which was referred to the Committee on Rights and Privileges without reading.

The President laid before the Senate the report of the Trustees of the Indiana State Normal School, which was being read, when Mr. Glessner moved that the further reading thereof be dispensed with, and that the report be referred to the Committee on Education.

Which was agreed to.

REPORTS OF STANDING COMMITTEES.

Mr. Orr, from the Committee on Agriculture, to whom was referred Senate bill No. 123—an act to amend section twenty-two of an act entitled "An act concerning enclosures, tresspassing animals and partition fences," approved June 4, 1852, declaring it a misdemeanor to violate the provisions of this act, prescribing punishment therefor, and declaring an emergency—have had the same under consideration, and direct me to return it to the Senate, with the recommendation that it lie on the table.

Which was concurred in.

Mr. Fuller, from the Committee on County and Township Business, submitted the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 163, entitled "An act to amend section seven of an act entitled an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, and declaring an emergency," have had the same under consideration and have instructed me to report the same back with the recommendation that it be indefinitely postponed.

Mr. Neff moved to amend the report by striking out the words "indefinitely postponed," and insert "recommend that the bill do pass."

SPECIAL ORDER.

The hour of 10:30 o'clock A. M. having arrived, being the hour fixed for the consideration of the message of Gov. Baker and the inaugural address of Gov. Hendricks,

Mr. Taylor moved to postpone the consideration thereof until Monday, January 27, at 2 o'clock P. M.

Which was agreed to.

The question recurring on the motion of Mr. Neff to amend the report of the committee on Senate bill No. 163.

Mr. Steele moved to lay the whole subject on the table.

Messrs. Dittemore and Collett demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Boone, Bowman, Bunyan, Carnahan, Cave, Chapman, Daugherty, Dittemore, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Harney, Haworth, Howard, Miller, Oliver, Orr, Ringo, Slater, Steele, Stroud and Williams—28.

Those who voted in the negative were Messrs. Beardsley, Brown, Collett, Dwiggin, Fuller, Hough, Neff, O'Brien, Rhodes, Sarnighausen, Scott, Sleeth, Smith, Taylor and Winterbotham—15.

So the motion to lay on the table was agreed to.

Mr. Orr, from the Committee on County and Township Business, submitted the following report:

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 55, entitled "An act to provide for the relocation of county seats, and repealing all laws in conflict therewith," have had the same under consideration, and instruct me to return the same to the Senate with the recommendation that it lie on the table.

Which was concurred in.

Mr. Gooding, from the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 127, entitled "An act in relation to the collection of promissory notes and contracts, given for a patent right or territory for a patent right, authorizing the collection of judgments taken by default in certain cases to be enjoined, enlarging the defense to such notes and contracts when payable in bank, providing where such suits shall be brought, and declaring an emergency," have had the same under consideration, and recommend that section two be amended to read as follows, to-wit :

SECTION 2. When any action on such notes or contract shall hereafter be commenced in violation of section one of this act, and judgment taken by default against any one or more of such makers, such judgments may, at any time within one year thereafter, be set aside on motion in open court, or may be perpetually enjoined together with the costs, on petition of the judgment-defendants, or any one of them, and that the same do then pass.

Which was concurred in.

RESOLUTIONS.

Mr. Bunyan offered the following :

Resolved, That the chairman of each of the Senate standing

committees be authorized to draw stationery for the use of his committee from the Secretary of State: *Provided*, That no committee shall be authorized to draw to exceed ten dollars' worth of stationery.

The question being, on the adoption of the resolution.

Messrs. Neff and Beardsley demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beardsley, Bunyan, Dwiggins, Gooding, Hall, Howard, O'Brien, Rhodes and Sleeth—9.

Those who voted in the negative were Messrs. Armstrong, Beeson, Bird, Boone, Bowinan, Brown, Carnahan, Cave, Chapman, Collett, Daugherty, Dittemore, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gregg, Harney, Haworth, Hough, Miller, Neff, Oliver, Orr, Ringo, Scott, Slater, Smith, Steele, Stroud, Taylor, Williams and Winterbotham—33.

So the resolution was not adopted.

Mr. Sleeth offered the following concurrent resolution:

Resolved by the Senate, (the House of Representatives concurring therein,) That this General Assembly will vote no money to pay claims for services rendered or materials furnished to the State prior to the meeting of the last Special Session of the General Assembly, unless such claims shall be presented to the proper committee on claims at least twenty days before the last day of the present session, and the Joint Committee on Claims is hereby instructed not to consider any such bills or claims presented after the time herein specified.

Mr. Williams moved to amend by striking out the word "twenty" and inserting "ten."

Mr. Orr moved to lay the motion on the table.

Mr. Williams and Mr. Orr demanded the aye and noes.

Those who voted in the affirmative were Messrs. Armstrong, Beardsley, Beeson, Boone, Bunyan, Chapman, Collett, Daugherty, Dwiggins, Fuller, Glessner, Gooding, Harney, Haworth, Hough,

Howard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Scott, Slater, Sleeth and Taylor—26.

Those who voted in the negative were Messrs. Bird, Bowman, Brown, Carnahan, Cave, Dittemore, Francisco, Gregg, Ringo, Sarnighausen, Smith, Steele, Stroud, Williams and Winterbotham—15. ♦

So the motion to amend was laid on the table.

The question recurring on the adoption of the resolution,

Messrs. Williams and Beardsley demanded the ayes and noes.

Those who voted in the affirmative were Messrs. Armstrong, Beardsley, Beeson, Boone, Brown, Bunyan, Carnahan, Chapman, Collett, Daugherty, Dwiggin, Glessner, Gregg, Hall, Harney, Haworth, Hough, Howard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Taylor and Winterbotham—32.

Those who voted in the negative were Messrs. Bird, Bowman, Cave, Dittemore, Fuller, Francisco, Steele, Stroud and Williams—9.

So the resolution was adopted.

Mr. Glessner offered the following :

Resolved, That the Committee on Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill No. 117, is hereby instructed to consider the propriety of so amending the bill as to allow parties in divorce cases, in the discretion of the county trying the cause, to testify therein when both parties are present, but that no divorce shall be granted upon the testimony of the parties alone.

Mr. Neff moved to lay the resolution on the table.

It was agreed to.

Mr. Gregg introduced Senate bill No. 224—an act for the relief of Nicholas Morbuck, Joseph E. Lange and Francis Joseph Welzler.

WHEREAS, it is represented to this General Assembly that Nicholas Morbuck, former trustee of Jackson township, Ripley county, Indiana, on the 14th day of October, 1863, while he was acting as such trustee, and as such held in his hands the sum of \$766.73, special school funds of said township, and the sum of \$797.53, school funds of said township; and,

WHEREAS, It is further represented that on the night of said 14th day of October, 1863, the house and an iron safe where said money was deposited by said Morbuck for safe keeping was broken open and entered by burglars, and said moneys stolen without any fault or negligence on the part of said Morbuck, and that the same, and no part thereof, has never been recovered by said Morbuck; and,

WHEREAS, On the second day of March, 1872, in the Ripley Circuit Court of this State judgment was rendered against said Nicholas Morbuck and Joseph E. Lange and Francis Joseph Welzler, his securities on his official bond, at the suit of the State of Indiana on the relation of said Jackson township on the official bond of said Morbuck, for the sum of two thousand five hundred dollars for the money so stolen, and interest and damage thereon, which judgment is recorded in order book "R," page 76, of the records of said Ripley Circuit Court; and,

WHEREAS, A large number of the citizens and tax-payers of said township have petitioned this General Assembly for the passage of a law for the relief of said Morbuck and his said sureties, and release and satisfaction of said judgment; and,

WHEREAS, The citizens of said township are alone interested in said judgment and affected by such release and satisfaction: Therefore,

Which was read a first time.

Message from the House by Mr. Nixon clerk thereof;

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the following resolution of the Senate, to-wit:

Resolved by the Senate, (the House of Representatives concurring therein), that a committee consisting of two Senators and three Representatives be appointed whose duty it shall be to examine the books, accounts, vouchers, and reports of the Superintendent of the Indiana Soldiers and Seamen's Home, in accordance with the wishes of that officer expressed in his report of the 31st of October, 1872, together with such other evidence as they shall deem necessary and proper, and report to this General Assembly, whether or not the funds entrusted to the care of the said Superintendent have been properly applied, and whether his reports and accounts thereof are true and correct. And that the House has appointed on such committee on the part of the House, Messrs. Tingley, Whitworth and Clark.

Resolved by the Senate, (the House of Representatives concurring therein,) that a Joint Committee of seven be appointed, four from the House and three from the Senate, whose duty it shall be to so re-district the State for judicial purposes as to equalize the burden of the Circuit and Common Pleas Judges throughout the State. And that the House has appointed on such committee on the part of the House, Messrs. Woollen, Wilson (of Ripley), Cowgill and Cauthorn.

Mr. Beardsley introduced Senate bill No. 225—an act to provide for the public printing, regulating the prices to be paid therefor, fixing the time and mode of electing a public printer, defining his duties, establishing a public printing commission, fixing compensation, and repealing all laws coming in conflict with this act.

Which was read a first time.

Mr. Ringo introduced Senate bill No. 226—an act to amend sections 457 and 458 of an act entitled, "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.

Which was read a first time.

On motion by Mr. Brown the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Senate reassembled at two o'clock P. M.

Message from the House by Mr. Nixon, clerk thereof;

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills to-wit :

Engrossed House bill No. 213—a bill defining cruelty to animals, declaring it a misdemeanor, and providing a penalty therefor.

Engrossed House bill No. 225—a bill to amend section two of an act entitled "An act to provide for the protection of wild game, and defining the time in which the same may be taken or killed, and providing a penalty for violating the same," approved March 11, 1869; and also providing for the protection of certain birds therein named, and their eggs, and fixing a penalty, and the same are herewith submitted to the Senate for its action thereon.

INTRODUCTION OF BILLS.

Mr. Hough introduced Senate bill No. 227—an act providing for the impanneling a jury other than the regular panel in certain cases, in the Superior Courts, Circuit Courts, and Courts of Common Pleas of this State, and declaring an emergency.

Was read a first time.

Mr. Orr introduced Senate bill No. 228—an act in relation to the arrest of felons, and providing for the appointment of special constables therefor.

Was read a first time.

Mr. O'Brien moved to suspend the order of business, and take up engrossed House bill No. 293.

Which was agreed to.

Engrossed House bill No. 293—a bill to repeal an act entitled

“An act fixing the time and mode of electing State Printer, defining his duties, fixing compensation and repealing all laws in conflict with this act,” passed March, 1859, and to abolish the office of State Printer.

Was read a second time.

Mr. Williams moved to amend the bill by striking out the emergency clause.

Mr. O'Brien moved to lay the motion on the table.

Messrs. Dittemore and Williams demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Brown, Bunyan, Chapman, Daugherty, Dwiggins, Fuller, Friedley (of Scott), Friedley (of Lawrence), Gooding, Gregg, Hall, Haworth, Hough, Howard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Sarnighausen, Slater, Sleeth, Smith, Steele, Stroud and Taylor—29.

Those who voted in the negative were, Messrs. Armstrong, Bird, Boone, Bowman, Carnahan, Cave, Collett, Dittemore, Harney, Ringo, Scott, Williams and Winterbotham—13.

So the motion to lay on the table was agreed to.

Mr. O'Brien moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill read a third time now.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Cave, Chapman, Collett, Daugherty, Dwiggins, Fuller, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Williams and Winterbotham—40.

Those who voted in the negative were Messrs. Carnahan, Dittemore and Scott—3.

So the constitutional rule was suspended, and engrossed House bill No. 293—a bill to repeal an act entitled “An act fixing the

time and mode of electing State Printer, defining his duties, fixing compensation, and repealing all laws coming in conflict with this act," passed March, 1859, and to abolish the office of State Printer.

Which was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Steel, Stroud, Taylor, Williams, and Winterbotham—44.

No Senator voting in the negative.

So the bill passed.

The question being shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Friedley (of Lawrence) introduced Senate Joint Resolution No. 5, to-wit.: a joint resolution to make temporary provision for the public printing.

The question being shall the joint resolution pass?

Those who voted in the affirmative were Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Steele, Stroud, Taylor, Williams and Winterbotham—40.

Those who voted in the negative were Messrs. Slater and Smith—2.

So the joint resolution passed.

The question being shall the title as read stand as the title of the joint resolution ?

It was so ordered.

ORDERED : That the Secretary inform the House of the passage of the joint resolution.

SPECIAL ORDERS.

The hour of 2:30 o'clock having arrived, being the hour fixed for the consideration of engrossed Senate bill No. 36,

The same was taken up.

Engrossed Senate bill No. 36—an act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children, appealing an act regulating the same, approved May 6, 1852, and declaring an emergency.

Which was read a third time.

Mr. Harney demanded the previous question, which was seconded by the Senate.

The question being shall the main question be now put ?

It was so ordered.

The question being, shall the bill pass ?

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Boone, Brown, Bunyan, Friedley (of Scott), Glessner, Haworth, Hough, Howard, Miller, Neff, O'Brien, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Taylor and Winterbotham—23.

Those who voted in the negative were, Messrs. Beardsley, Bowman, Carnahan, Cave,¹ Chapman, Collett, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Lawrence), Gooding, Gregg, Hall, Harney, Oliver, Smith, Steele, Stroud and Williams—21.

So the bill failed to pass for want of a constitutional majority.

Message from the Governor by Samuel R. Downey, his Private Secretary :

MR. PRESIDENT :

I am directed by the Governor to respectfully inform the Senate that he has approved and signed enrolled act No. 150, entitled "An act to legalize taxes heretofore levied for purposes of tuition by the school trustees of any of the incorporated cities of this State, and to authorize the collection of the same, and declaring an emergency," and that he has caused said act to be deposited in the office of Secretary of State.

Mr. Daggy asked and obtained leave of absence until to-morrow.

Mr. Winterbotham obtained leave of absence until Monday next.

Mr. Dwiggins moved to make Senate bill No. 9 a special order for 10:30 a. m. on to-morrow.

Mr. Dittemore moved to amend the motion of Mr. Dwiggins by making the bill a special order for 2:30 o'clock p. m., Wednesday, January 29.

Which was agreed to.

The question recurring on the motion as amended.

Which was agreed to.

Mr. Beardsley moved to suspend the order of business and read Senate bills a second time by title for reference.

Which was agreed to.

SENATE BILLS ON SECOND READING.

Senate bill No. 127—an act to fix the time of holding the Courts of Common Pleas in the Eleventh Judicial District, and repealing all other laws on the same subject.

Was read a second time by title, and referred to the Committee on the Organization of Courts.

Senate bill No. 169—an act authorizing the organization of voluntary associations, and prescribing their duties and powers.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 170—an act making an appropriation to Purdue University, and declaring an emergency.

Which was read a second time by title, and referred to the Committee on Education.

Senate bill No. 171—an act to protect the elections of voluntary political associations, and to punish frauds therein, and declaring an emergency.

Which was read a second time by title, and referred to the Committee on Rights and Privileges.

Senate bill No. 173—an act to authorize school trustees of incorporated towns and cities to sell certain school property within their limits and providing for the disposition of the proceeds.

Which was read a second time, and referred to the Committee on the Judiciary.

Senate bill No. 174—an act defining certain misdemeanors and prescribing punishment therefor.

Which was read a second time by title, and referred to Committee on Agriculture.

Senate bill No. 175—A bill regulating the fees of officers, and repealing former acts in relation thereto.

Which was read a second time by title, and referred to the Committee on Fees and Salaries.

Senate bill No. 176—An act supplemental to an act entitled “An act to establish public libraries,” approved February 16, 1852, defining the powers of cities in relation thereto, providing for the collection of fines and forfeitures imposed by library associations, and permitting other corporations to take stock in the same.

Which was read a second time by title, and referred to the Committee on Corporations.

Senate bill No. 177—an act to repeal an act entitled “An act

to authorize the consolidation of hydraulic companies, and to define the powers of such consolidated companies," approved February 22d, 1871.

Which was read a second time by title, and referred to Committee on Corporations.

Senate bill No. 178—an act regulating the fees and salaries of certain officers and persons therein named.

Which was read a second time by title, and referred to Committee on Fees and Salaries.

Senate bill No. 179—an act to amend section 7 of an act entitled "An act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865.

Which was read a second time by title and referred to the Committee on Education.

Senate bill No. 180—an act making the township trustee of each civil township superintendent of roads and highways in his township, and prescribing his duties thereto, and fixing a commutation road tax instead of road labor, and repealing all laws in conflict with this act.

Which was read a second time by title, and referred to the Committee on Roads.

Senate bill No. 181—an act declaring what officers shall be elected by the Senate and House of Representatives, declaring their duties, fixing their compensation, repealing all laws in conflict therewith, and declaring an emergency.

Which was read a second time by title, and referred to Committee on Fees and Salaries.

Senate bill No. 182—an act to provide for the investment of funds detained in the hands of executors, administrators, agents,

attorneys or officers by reason of pending litigation, and declaring an emergency.

Was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 183—a bill for paroling of prisoners who may be confined in any county jail, for the non-payment of fines which may have been adjudged against them upon conviction of public offenses.

Which was read a second time by title, and referred to the Committee on Prisons.

Senate bill No. 184—an act concerning the granting of pardons by the Governor.

Which was read a second time by title, and referred to Committee on the Judiciary.

Senate bill No. 185—a bill to authorize judges of circuit courts and courts of common pleas to grant injunctions in actions pending in counties adjoining such circuit or district, when both of the judges of the circuit court and court of common pleas of such county are disqualified from hearing such motions; to authorize the clerk of the circuit court to grant temporary restraining orders.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 186—an act to abolish the common pleas and criminal circuit courts, and conferring the jurisdiction and business thereof upon the circuit courts, and establishing the office of surrogate, and defining the powers and duties of the surrogate and clerk of the circuit courts in regard thereto, and other matters properly connected therewith.

Which was read a second time by title, and referred to Committee on the Organization of Courts.

Senate bill No. 187—an act to amend section one of an act entitled “An act to amend section one of an act entitled ‘An act to amend section three of an act entitled ‘An act for the regulation

of weights and measures," approved June 9, 1852—approved February 28, 1855—approved March 7, 1863.

Which was read a second time by title, and referred to Committee on Rights and Privileges.

Senate bill No. 188—an act to enable and empower executors and administrators of the estates of deceased persons to enforce partition of the real estate of such decedents in certain cases, and declaring an emergency.

Which was read a second time by title, and referred to the Committee on Judiciary.

Senate bill No. 189—a bill for an act to amend section 648 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 190—an act to legalize certain defective and irregular assessments and proceedings of boards of equalization for the years 1871 and 1872, in incorporated cities.

Which was read a second time by title, and referred to the Committee on Education.

Senate bill No. 191—an act to enable securities to be released from appeal bonds.

Which was read a second time by title and referred to the Committee on the Judiciary.

Senate bill No. 192—an act to amend section five of an act entitled "An act to exempt property from sale in certain cases," approved February 17, 1852.

Which was read a second time by title and referred to the Committee on the Judiciary.

Senate bill No. 193—an act supplemental to an act authorizing the construction of plank, Macadamized and gravel roads, approved May 12, 1852.

Which was read a second time by title, and referred to Committee on the Judiciary.

Senate bill No. 194—an act in relation to the meeting of the Board of Commissioners.

Which was read a second time by title and referred to the Committee on the Organization of Courts.

Senate bill No. 195—an act defining misdemeanors and declaring the penalties therefor, and declaring an emergency.

Which was read a second time by title, and referred to the Committee on Agriculture.

Senate bill No. 196—an act to amend section thirty-four of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852, and declaring an emergency.

Which was read a second time by title, and referred to the Committee on Corporations.

Senate bill No. 197—a bill for an act to increase the salaries of the Supreme Judges.

Which was read a second time by title and referred to the Committee on Fees and Salaries.

Senate bill No. 198—a bill to provide for the organization of an experimental school for the education of idiotic and feeble-minded children.

Which was read a second time by title and referred to Committee on the Judiciary.

Senate bill No. 199—an act requiring railroad companies to put safe heating apparatus' in their cars, and providing a penalty for their failure to do so, and also protecting said railroad companies

from exorbitant charges by persons offering heating apparatus' for sale to railroad companies.

Which was read a second time by title, and referred to the Committee on Railroads.

Senate bill No. 200—an act in relation to jury trials, to prevent the continuance of causes tried by jury after the commencement of the trial, by reason of sickness of one or more of the jurors, and repealing all laws in conflict with this act, and declaring an emergency.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 201—an act supplemental to section seven of an act defining misdemeanors and prescribing punishment therefor, approved June 14, 1852.

Which was read a second time by title and referred to the Committee on Rights and Privileges.

Senate bill No. 202—a bill to amend section 7 and 9 of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and prescribing the fees for certain officers therein named and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith and providing penalties therein prescribed," approved March 6th, 1865.

Which was read a second time by title and referred to Committee on Education.

Senate bill No. 203—an act to authorize the appointment of resident trustees to receive and manage trust funds held in other States and belonging to persons residing in this State.

Which was read a second time by title and referred to the Committee on the Judiciary.

Senate bill No. 204—an act to amend the fifteenth section of an act entitled "An act prescribing the manner of compelling officers

to give new bonds and additional sureties," approved May 31st, 1852.

Which was read a second time by title and referred to the Committee on the Judiciary.

Senate bill No. 206—a bill to encourage agriculture and agricultural fairs by the purchase and improvement of fair grounds.

Which was read a second time by title and referred to the Committee on Agriculture.

Senate bill No. 207—an act to amend the fifty-fourth section of an amended act entitled "An act to revise, simplify, and abridge the rules of practice, pleadings and forms in civil cases in courts of this State, and to abolish distinct forms of action of law and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved March 11th, 1855.

Which was read a second time by title and referred to the Committee on the Judiciary.

Senate bill No. 208—an act to amend section nine of an act concerning the mode of proceeding in criminal cases, defining felonies and misdemeanors, and prescribing the punishment therefor," approved June 17th, 1852, and providing for an emergency.

Which was read a second time by title and referred to the Committee on the Judiciary.

Senate bill No. 209—an act authorizing plank and Macadamized and gravel road companies with the concurrence of township trustees to levy a road tax in their respective districts.

Which was read a second time by title and referred to the committee on Roads.

Senate bill No. 210—an act supplemental to an act entitled "An act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies," approved May 12, 1869, and authorize the Board of Commissioners in the several counties of this State to extend the

time of paying such tax for such donations, and to authorize them to wholly discharge the same from the tax duplicate.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 211—an act providing for the payment to the township trustee of all moneys which shall have been collected from a township for special or specific purposes, and providing penalties for the violation of the provisions of this act.

Which was read a second time by title, and referred to the Committee on County and Township Business.

Senate bill No. 212—an act to amend an amended act entitled “An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto,” approved December 20, 1865.

Which was read a second time by title, and referred to the Committee on Roads.

Senate bill No. 213—an act to amend “An act concerning real property and the alienation thereof,” approved May 6, 1872.

Which was read a second time by title and referred to the Committee on the Judiciary.

Senate bill No. 214—an act declaring any person who is in the habit of becoming intoxicated ineligible to hold any office of trust, prescribing the duty of county commissioners, and judges of the Supreme Court in such cases, and making it a misdemeanor for any one to sell or give any intoxicating drinks, except cider, to any one who is an habitual drunkard, prescribing punishment therefor, and declaring an emergency.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 215—an act providing for the leasing of railroads, and authorizing one railroad company to aid another railroad company.

Which was read a second time by title, and referred to the Committee on Railways.

Senate bill No. 216—an act to prevent minors from playing billiards and other games in tippling houses.

Which was read a second time by title, and referred to the Committee on Rights and Privileges.

Senate bill No. 217—a bill to authorize satisfaction of mortgages in certain cases.

Which was read a second time by title and referred to the Committee on the Judiciary.

Senate bill No. 218—an act to encourage the destruction of foxes.

Which was read a second time by title and referred to the Committee on Agriculture.

Senate bill No. 219—an act to provide for the construction and maintenance of fish ladders and providing penalties for the violation of the same.

Which was read a second time by title and referred to the Committee on Rights and Privileges.

Senate bill No. 220—an act affording relief to counties and townships voting aid to railroad companies and repealing all laws inconsistent therewith and declaring an emergency.

Which was read a second time by title and referred to the Committee on the Judiciary.

Senate bill No. 221—a bill to amend section fifteen of an act entitled an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties and repealing all laws contravening the provisions of this act.

Which was read a second time by title and referred to the Committee on Corporations.

Senate bill No. 222—an act making it unlawful for owners and

proprietors of billiard tables to suffer or permit minors to play at or upon the same, or to suffer or permit minors to congregate at and about such billiard tables, and providing penalties for the violation of this act.

Which was read a second time by title and referred to the Committee on Rights and Privileges.

Senate bill No. 223—a bill to legalize certain acts of notaries public.

Which was read a second time by title and referred to the Committee on the Judiciary.

The President appointed Mr. Friedley of Lawrence on the Committee on the Judiciary; Mr. Chapman on the Committee on Corporations, and Mr. Scott on the Committee on Fees and Salaries, to fill vacancies in such committees occasioned by the resignation of Mr. Brown.

The President announced as the Committee on Mines and Mining, to be Messrs. Friedley (of Lawrence), Collett, Beeson, Bird, Smith, Beardsley and Ringo.

The Committee on Prisons was granted leave of absence until Tuesday next, January 28th.

On motion by Mr. Hall, the Senate adjourned.

LEONIDAS SEXTON,
Lieutenant Governor, President of Senate.

THURSDAY MORNING.

JANUARY 23, 1873, 10 O'CLOCK A. M.

The Senate met.

Prayer by the Rev. Dr. Bayliss.

The journal of yesterday was being read when Mr. O'Brien moved to dispense with the further reading thereof.

Which was not agreed to.

Pending the reading of the journal Mr. Bunyan moved that the further reading thereof be dispensed with.

Which was agreed to.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills, to-wit:

Engrossed House bill No. 307—a bill for the relief of Emsley Wilson, declaring the title of the State of Indiana to certain lands described therein to be vested in the said Wilson, his heirs and assignees and declaring an emergency.

Engrossed House bill No. 299—a bill to allow a bounty for fox scalps, providing for the payment thereof prescribing the duties of county treasurers and clerks in relation thereto, and authorizing county commissioners to allow additional bounty for such scalps

And the same are herewith submitted to the Senate.

Mr. Collett, from the Joint Committee on Enrolled bills, submitted the following report:

MR. PRESIDENT :

The Joint Committee on Enrolled Bills have had enrolled House bill No. 293—an act to repeal an act entitled “An act fixing the time and mode of electing State Printer, defining his duties and repealing all laws coming in conflict with this act,” passed March, 1859, and to abolish the office of State Printer—under consideration and find the same correctly enrolled.

Mr. Orr moved to suspend the order of business and take up House bills on second reading.

Which was agreed to.

HOUSE BILLS ON SECOND READING.

Engrossed House bill No. 198—a bill to amend sections 15, 19,

31 and 49 of an act approved May 12th, 1869, entitled "An act providing for the organization of savings banks, and the safe and proper management of their affairs."

Which was read a second time by title and referred to the Committee on Banks.

Engrossed House bill No. 152—a bill to amend an act entitled "An act to provide for the incorporation of railroad companies," approved May 11, 1852.

Which was read a second time by title, and referred to the Committee on Railroads.

Engrossed House bill No. 3—a bill to repeal an act for the construction of levees, dykes and drains by incorporated companies and associations, which act took effect May 22, 1869; and also to repeal an act supplemental thereto, approved February 23, 1871, and saving from the operation of this act all works ten miles in length and under.

Which was read a second time by title, and referred to Committee on Corporations.

Engrossed House bill No. 115—a bill to repeal an act entitled "An act to regulate the sale of patent rights and to prevent frauds in connection therewith," which took effect April 23d, 1869.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Engrossed House bill No. 151—a bill to amend an act entitled "An act to declare abandoned certain unfinished railroads, and to provide for their completion, to declare forfeited the franchises of certain railroad companies, and for the assessment of the value thereof, for the organization of new companies, and for making annual statements," approved March 11, 1867.

Which was read a second time by title, and referred to the Committee on Railroads.

Engrossed House bill No. 26—a bill to amend section nine of an act entitled "An act providing for the election and qualification of justices of the peace, and defining jurisdiction, powers and

duties in civil cases," approved June 9th, 1852, and repealing all laws and parts of laws in conflict therewith.

Which was read a second time by title, and referred to Committee on the Judiciary.

Engrossed House bill No. 50—a bill to amend the fifth section of an act entitled "An act to discourage the keeping of useless and sheep-killing dogs and providing penalties for the violation of any of the provisions of said act by officers and others, and also repealing an act to license dogs," approved March 11th, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled, "An act for the protection of sheep," approved June 15, 1852, prescribing the duties of township trustees in relation thereto adding an additional section and declaring an emergency.

Which was read a second time by title and referred to the Committee on Rights and Privileges.

Engrossed House bill No. 69—a bill in relation to the settlement of supervisors of highways with township trustees, defining the time of settlement.

Which was read a second time by title and referred to Committee on County and Township business.

Engrossed House bill No. 35—a bill to amend an act to revise, simplify, and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17th 1852.

Which was read a second time by title and referred to the committee on the Judiciary.

Engrossed House bill No. 59—a bill to amend section six of an act entitled "An act to amend an act entitled an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1859, approved December 20, 1865.

Which was read a second time by title, and referred to the Committee on County and Township Business.

Engrossed House bill No. 114—a bill to amend the first section of an act entitled “An act to authorize any person desiring to erect a flouring mill, or other machinery to be propelled by water on his own land, to make a raceway below such mill or machinery through land belonging to other persons, and to regulate the assessments and payment of damages therefor,” approved March 1, 1853, be so amended as to read as follows, to-wit.

Which was read a second time by title, and referred to the Committee on Rights and Privileges.

Engrossed House bill No. 71—a bill to amend section sixty of an act entitled “An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,” approved March 14, 1867.

Which was read a second time by title, and referred to the Committee on Incorporations.

Engrossed House bill No. 162—a bill to authorize cities to correct the erroneous listing, description, and assessment of real estate liable to city taxes, and when corrected to collect all taxes due thereon, and to list, assess, and collect taxes on any property liable to city taxes of any person or persons who have furnished the Assessor with a false or defective statement of his or their property, or the value thereof.”

Which was read a second time by title, and referred to the Committee on Finance.

Engrossed House bill No. 155—a bill providing for a general system of common schools in all cities of eight thousand or more inhabitants, and for the election of a board of school commissioners for such cities, and defining their duties, and prescribing their powers, and providing for common school libraries within such cities, and providing that cities having a less population than eight thousand inhabitants may, by a majority vote of the members of

the common council, order the election of members of a board of school commissioners, according to the provisions herein, and defining their powers and duties, and repealing all laws in conflict therewith, and declaring an emergency.

Which was read a second time by title, and referred to the Committee on Education.

Engrossed House bill No. 36—a bill to amend section one and six of an act entitled “An act to incorporate the Franklin Insurance Company,” approved February 13, 1851.

Which was read a second time by title and referred to the Committee on Insurance.

Engrossed House bill No. 144—a bill to provide for the crossings of railroads, the keeping in repair such crossings, and providing for the expense thereof.

Which was read a second time by title, and referred to the Committee on Railroads.

Engrossed House bill No. 2—a bill to fix the time of holding the courts in the three Judicial Circuits, the duration of the term thereof, and declaring when this act shall take effect, and repealing all laws inconsistent therewith.

Which was read the second time by title and referred to Committee on Organization of Courts.

Engrossed House bill No. 258—a bill to amend the first section of an act entitled “An act to create the fifteenth Judicial Circuit,” approved February 22d, 1859.

Which was read a second time by title and referred to Committee on Organization of Courts.

Engrossed House bill No. 113—a bill to amend section second of an act entitled “An act to amend sections four and seven of an act to provide for the election, fixing the compensation, and prescribing the duties of the Attorney General of the State of Indiana,” approved June 3d, 1861.

Which was read a second time by title and referred to the Committee on the Judiciary.

Engrossed House bill No. 241—a bill to give security to persons who contract with railroad corporations to perform work and labor in the construction of railroads, and declaring an emergency.

Which was read a second time by title and referred to the Committee on Railroads.

Engrossed House bill No. 56—a bill authorizing the appropriation of money out of the State Treasury for the use of the Indiana University, located at Bloomington, Monroe county.

Which was read a second time by title, and referred to the Committee on Finance.

Engrossed House bill No. 112—a bill to render wives competent to testify in actions brought for injuries done them.

Which was read a second time by title and referred to the Committee on the Judiciary.

Engrossed House bill No. 123—a bill prescribing time for transaction of road business and for appointment of superintendent and physican for poor.

Was read a second time by title and referred to Committee on Roads.

Engrossed House bill No. 118—a bill making the parties competent witnesses as to certain matters in action by executors or administrators upon contracts assigned to the decedent.

Was read a second time by title and referred to the Committee on the Judiciary.

Engrossed House bill No. 128—a bill empowering the board of trustees of any incorporated town within the State to compel owners of lots or parcels of lands within such town to plant, maintain and protect shade trees within the same and declaring an emergency.

Which was read a second time by title and referred to the Committee on Corporations.

Engrossed House bill No. 130—a bill to render uniform the rate of interest on the common school funds of the State of Indiana.

Which was read a second time by title and referred to the Committee on the Judiciary.

Engrossed House bill No. 136—a bill to amend section 647 of an act entitled “An act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of Justice in a uniform mode of pleading and practice without distinction between law and equity,” approved June 18th 1852.

Which was read a second time by title, and referred to Committee on the Judiciary.

Engrossed House bill No. 138—a bill to amend the third section of an act entitled “An act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings, and pay debts contracted for erection of such buildings, and authorizing the levy and collection of an additional special school tax for the payment of principal and interest of school bonds,” approved March 11th, 1867.

Which was read a second time by title, and referred to Committee on Education.

Engrossed House bill No. 167—a bill to preserve the original manuscript journals of the Senate and House of Representatives of the General Assembly, and prescribing a penalty for the destruction or mutilation thereof.

Which was read a second time by title, and referred to Committee on the Judiciary.

Engrossed House bill No. 170—a bill to amend the 157th and 164th sections of an act entitled “An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity,” approved June 18th, 1852.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Engrossed House bill No. 171—a bill prescribing the manner of selecting petit jurors for the circuit and common pleas courts.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Engrossed House bill 174—a bill to amend the 32d section of an act entitled “An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,” approved March 14th, 1867.

Which was read a second time by title, and referred to the Committee on Corporations.

Engrossed House bill No. 177—a bill fixing the time of holding the courts in the counties composing the First Judicial Circuit of this State, and repealing all laws conflicting herewith, and declaring an emergency.

Which was read a second time by title, and referred to the Committee on Organization of Courts.

Engrossed House bill No. 178—a bill to amend section one of an act entitled “An act to amend section seventy-seven of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in criminal actions in the courts of this State,” approved June 17, 1852, approved December 20, 1865.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Engrossed House bill No. 188—a bill to amend section 433 of an act entitled “An act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,” approved June 18, 1852.

Which was read a second time by title, and referred to the Committee on the Judiciary. .

Engrossed House bill No. 210—a bill to amend the twentieth section of an act approved May 13, 1869, and entitled “An act to establish a Female Prison and Reformatory Institution for Girls and Women, and to provide for the organization and government thereof, and making appropriations.”

Which was read a second time by title, and referred to the Committee on Reformatory Institutions.

. Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed, with engrossed House amendments thereto, the following Joint Resolution of the Senate, to-wit:

Senate Joint Resolution No. 5—a Joint Resolution to make temporary provision for the public printing.

Engrossed amendment of the House of Representatives to Senate Joint Resolution No. 5:

Amend by adding to said resolution the following: “*Provided*, That said printing shall be done on the best terms that can be secured in the city of Indianapolis, and that no printing shall be done except such as is necessary for the use of the General Assembly at its present session, and that no contract for the same shall extend beyond the close of this session.” And the same is herewith returned to the Senate.

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled act of the House of Representatives, to-wit:

Enrolled act No. 293 H. R.—an act to repeal an act entitled “An act fixing the time and mode of electing State Printer, defining his duties, fixing compensation, and repealing all laws coming in conflict with this act,” passed March, 1859, and to abolish the office of State Printer, and the same is herewith submitted to the Senate for the signature of the President thereof.

Engrossed House bill No. 214—a bill to amend section twenty-five and twenty-six of an act entitled “An act regulating descents and the apportionment of estates,” approved May 14, 1852.

Which was read a second time by title, and referred to the Committee on the Judiciary

Engrossed House bill No. 218—a bill to amend section 208 of an act entitled “An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,” approved June 18, 1852.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Engrossed House bill No. 200—a bill to authorize and empower boards of county commissioners to equalize local county bounty to soldiers, to issue bonds or orders therefor, to levy and collect taxes for the redemption of such bonds or orders, declaring how such taxes may be collected, when such bonds or orders shall be issued, the time when they shall be paid, the rate of interest thereon, and legalizing such as have been issued, and declaring an emergency.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Engrossed House bill No. 219—a bill to regulate the sale of drugs and medicines and fixing penalty for violation of the same.

Which was read a second time by title, and referred to the Committee on Rights and Privileges.

Engrossed House bill No. 265—a bill defining professional prostitution and prescribing punishment therefor, and prescribing certain rules of evidence in prosecutions for such offenses.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Engrossed House bill No. 212—a bill defining the misdemeanor

of keeping houses of ill fame, the renting or leasing of property to be used as a house of ill fame, and prescribing punishment therefor, and prescribing certain rules of evidence in prosecution of such offenses.

Which was read a second time by title, and referred to the Committee on Reformatory Institutions.

Engrossed House bill No. 302—a bill fixing the time of holding the Common Pleas Court in the county of Bartholomew.

Which was read a second time by title, and referred to a select committee consisting of Messrs. Glessner, Ringo and Slater.

Engrossed House bill No. 301—a bill to change the time of holding the Circuit Court of Bartholomew county at its summer term.

Which was read a second time by title, and referred to a Select Committee of three, to-wit: Messrs. Glessner, Slater and Ringo.

Engrossed House bill No. 76—a bill to amend an act to enable the owners of wet lands to drain and reclaim them, where the same cannot be done without affecting the land of others, &c., approved March 11, 1867.

Which was read a second time by title, and referred to Committee on Corporations.

Engrossed House bill No. 291—a bill defining what counties shall constitute the Third Judicial Circuit.

Which was read a second time by title, and referred to the Committee on the Organization of Courts.

Mr. Friedley (of Lawrence) moved to suspend the order of business, and take up message from the House containing amendments to Joint Resolution No. 5, on the subject of State printing.

Which was agreed to.

Mr. Williams moved that the Senate concur in the amendments.

It was agreed to.

The President announced that he had signed Enrolled act of the House No. 293.

Mr. Bunyan moved to take up engrossed House bill No. 6, a bill creating the Indiana Central Association, and refer same to the Committee on Federal Relations.

Which was agreed to.

Mr. Brown moved to suspend the order of business and take up engrossed House bill No. 137—a bill to amend section 103 of an act entitled “An act to revise, simplify and abridge the rules, practice and pleadings and forms in criminal actions in this State, and refer the same to a select committee of five.

Which was agreed to.

The President announced the select committee on engrossed House bill No. 137 to be, Messrs. Hubbard, Rhodes, Hough, Boone and Sleeth.

Mr. Carnahan moved to reconsider the vote by which Senate bill No. 123 was laid on the table.

Which was agreed to.

On motion by Mr. Carnahan,

Senate bill No. 123—an act to amend section 22 of an act entitled “An act concerning enclosures, trespassing animals and partition fences,” approved June 4th, 1852, declaring it a misdemeanor to violate the provisions of this act, prescribing punishment therefor, and declaring an emergency for the taking effect of this act.

Which was taken up and referred to the Committee on Agriculture.

Mr. Harney moved to take up Senate bills on a third reading.

Which was agreed to.

Mr. Dwiggins offered the following resolution :

WHEREAS, The biennial report of the State Librarian does not show the amount of money expended by him for any purpose. Therefore,

Resolved, That the State Librarian be requested to furnish the Senate, at an early day, with a statement of amount of money expended by him in each month for repairs on State House and State House grounds, from the time he took charge of his office, in the spring of 1871, to January 1st, 1873; also, amount of monthly expenditures for the same time, on account of State Library.

Which resolution was adopted.

SENATE BILLS ON THIRD READING.

Senate bill No. 82—an act to amend section nine of an act entitled “An act to provide for electing electors for President and Vice President of the United States,” approved May 20th, 1852, and declaring an emergency.

Which was read a third time.

Mr. Dwiggin, by unanimous consent, moved to strike out the emergency clause.

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Bunyan, Carnahan, Cave, Collett, Daggy, Daugherty, Dwiggin, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott Slater, Smith, Steele, Stroud, Taylor, Thompson and Williams—41.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Senate bill No. 24—an act to amend section thirty of an act entitled “An act providing for the election or appointment of super-

visors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto," approved December 20th 1865, and declaring an emergency.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dwiggin, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson, and Williams—44.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

The select committee for redistricting the State for judicial purposes was granted leave of absence until to-morrow.

The Lieutenant Governor being absent, and unable to preside as President of the Senate,

Mr. Brown moved that the Senate proceed to the election of a President *pro tempore*.

Which was agreed to.

Mr. Brown put in nomination George W. Friedley, of Lawrence.

Mr. Cave put in nomination Mr. Glessner, of Shelby.

Those who voted for Mr. Friedley were,

Messrs. Beardsley, Beeson, Brown, Bunyan, Chapman, Collett, Daggy, Dwiggins, Friedley (of Scott), Glessner, Gooding, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Scott, Steele, Taylor and Thompson—25.

Those who voted for Mr. Glessner were,

Messrs. Armstrong, Bird, Boone, Brown, Carnahan, Cave, Daugherty, Fuller, Francisco, Friedley (of Lawrence), Gregg, Hall, Harney, Ringo, Sarnighausen, Slater, Smith, Stroud and Williams.—19.

Mr. Friedley having received a majority of all the votes cast, was declared duly elected President *pro tempore* of the Senate.

Mr. Glessner, from a Select Committee, made the following report.

MR. PRESIDENT :

The Select Committee to whom was referred Engrossed House bills Nos. 391 and 302, have had the same under consideration and have directed me to report the same back, with the recommendation that the same do pass.

Which report was concurred in.

Mr. Glessnor moved to suspend the constitutional rule requiring bills to be read on three several days and read Engrossed House bill No. 301 a second time by title only, and a third time by sections now.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dwiggins, Fuller, Francisco, Friedley of Scott, Friedley of Lawrence, Glessner, Goeding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Sarnighauson, Scott, Slater, Smith, Steele, Stroud, Thompson and Williams—42.

Mr. Boone voting in the negative.

So the constitutional rule was suspended.

Engrossed House bill No. 301—a bill to change the time of holding the Circuit Court of Bartholomew county at its summer term.

Which was read a second time by title only.

Engrossed House bill No. 301—a bill to change the time of holding the Circuit Court of Bartholomew county at its summer term.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dwiggins, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Steele, Stroud, Taylor and Williams—43.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED, That the Secretary inform the House of the passage of the bill.

Mr. Brown moved to suspend the constitutional rule requiring bills to be read on three several days, and read engrossed House bill No. 302 a second time by title only, and a third time by section.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Bowman, Brown, Bunyan, Carnahan, Cave, Collett, Daggy, Daugherty, Dwiggins, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller,

Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson and Williams—42.

Mr. Boone voting in the negative.

So the constitutional rule was suspended.

Engrossed House bill No. 302—a bill fixing the time of holding the Common Pleas Court in the county of Bartholomew.

Which was read a second time by title only.

Engrossed House bill No. 302—a bill fixing the time of holding the Common Pleas Court in the county of Bartholomew.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daugherty, Dwiggins, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson and Williams—42.

No Senator voting in the negative.

So the bill passed.

The question being shall the title as read stand as the title of the bill?

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Dittmore was granted leave of absence until Monday next, January 27.

Mr. Collett, from the Joint Committee on Enrolled bills, submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled bills would respectfully re-

port that they have this day presented to the Governor for his signature the following act, to-wit: Enrolled act No. 293 of the House entitled "An act to repeal an act entitled an act fixing the time and mode of electing State Printer, defining his duties, fixing compensation, and repealing all laws coming in conflict with this act," passed March, 1859, and to abolish the office of State Printer.

Senate bill No. 14—a bill to amend section five of an act entitled "An act concerning mortgages," approved May 12, 1852.

Which was read a third time.

The question being shall the bill pass,

Those who voted in the affirmative were Messrs. Armstrong, Beeson, Bird, Boone, Bunyan, Carnahan, Collett, Daggy, Daugherty, Francisco, Glessner, Gregg, Hough, Hubbard, O'Brien, Oliver, Rhodes, Sarnighausen, Smith, Thompson and Williams—21.

Those who voted in the negative were Messrs. Beardsley, Bowman, Brown, Cave, Chapman, Dwiggin, Fuller, Friedley (of Scott), Friedley (of Lawrence), Gooding, Hall, Harney, Haworth, Miller, Neff, Orr, Ringo, Scott, Slater, Steele, Stroud and Taylor—22.

So the bill failed to pass.

Mr. O'Brien moved that the Senate adjourn.

Which was not agreed to.

Mr. Brown moved that the Senate take a recess until 2 o'clock P. M.

Which was not agreed to.

On motion of Mr. O'Brien the Senate took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

Senate re-assembled at 2 o'clock P. M.

Engrossed Senate bill No. 122—a bill to legalize in certain cases and under certain conditions appropriations made by county commissioners to aid in building railroads previous to the 12th day of May, 1869, and when appropriations made without authority of law, and declaring an emergency—was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were Messrs. Armstrong, Beeson, Bird, Bowman, Brown, Bunyan, Carnahan, Cave, Daggy, Daugherty, Dwiggin, Fuller, Francisco, Friedley (of Lawrence), Gooding, Gregg, Hall, Harney, Haworth, Howard, Hubbard, Miller, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Stroud, Taylor, Thompson and Williams—32.

Those who voted in the negative were Messrs. Beardsley, Boone, Chapman, Collett, Friedley (of Scott), Hough, Neff, O'Brien, Orr, Sleeth, Smith and Steele—12.

So the bill passed.

The question being shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED, That the Secretary inform the House of the passage of the bill.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following Joint Resolution, to-wit:

House Joint Resolution No. 11—a Joint Resolution directing a settlement with the State Printer.

Mr. Brown moved to suspend the order of business and take up engrossed House bill No. 297.

Which was agreed to.

Engrossed House bill No. 297—a bill supplemental to an act to authorize the construction of railroads by counties and townships, taking stock in and making donations to railroad companies, approved May 12, 1869.

Which was read a first time.

Mr. Brown moved to suspend the constitutional rule requiring bills to be read on three several days, and read the bill a second time by title now for reference.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gregg, Harney, Harworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Stroud, Taylor, Thompson and Williams—40.

Those who voted in the negative were, Messrs. Daugherty, Dwiggins, Gooding, Hall and Steele—5.

So the constitutional rule was suspended, and

Engrossed House bill No. 297—a bill supplemental to an act to authorize the construction of railroads by counties and townships taking stock in and making donations to railroad companies, approved May 12, 1869.

Which was read a second time by title.

Mr. Brown moved to refer the bill to the Committee on Railroads.

Mr. Hall moved to amend Mr. Brown's motion by referring the bill to the Committee on the Judiciary.

Mr. Glessner moved to lay the amendment on the table.

Which was agreed to.

The question recurring on the motion of Mr. Brown.

It was agreed to, and the bill referred to the Committee on Railroads.

Mr. O'Brien moved to suspend the order of business and take up message from the House containing House joint resolution No. 11, in relation to State printing.

Which was agreed to.

House joint resolution No. 11—a joint resolution directing a settlement with the State Printer, was read a first time.

Mr. Williams offered the following amendment, to-wit :

Provided, nothing in this joint resolution shall be so construed as to require said State Printer to turn over any work that has been commenced until said work is completed.

Mr. O'Brien moved to lay the amendment on the table.

Messrs. Dwiggins and O'Brien demanded the ayes and noes

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Chapman, Collett, Daggy, Dwiggins, Friedley (of Scott,) Friedley (of Lawrence,) Gooding, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Erien, Oliver, Orr, Rhodes, Sarnighausen, Slater, Smith, Taylor and Williams—24.

Those who voted in the negative were, Messrs. Armstrong, Bird, Boone, Bowman, Carnahan, Cave, Daugherty, Fuller, Francisco, Glessner, Gregg, Hall, Harney, Ringo, Rosebrough, Scott Sleeth, Steele and Williams—19.

So the motion to lay on the table was agreed to.

The question being, shall the resolution pass ?

Those who voted in the affirmative were, Messrs. Beardsley Beeson, Boone, Bowman, Brown, Chapman, Collett, Daggy, Dwiggins, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Sarnighausen, Scott, Sleeth, Steele, Taylor and Thompson—32.

Those who voted in the negative were, Messrs. Bird, Carnahan,

Cave, Daugherty, Fuller, Francisco, Ringo, Slater, Smith, Stroud, and Williams—11.

So the joint resolution passed.

The question being, shall the title as read stand as the title of the joint resolution ?

It was so ordered.

ORDERED, That the Secretary inform the House of the passage of the joint resolution.

By unanimous consent, Mr. O'Brien introduced Senate bill No. 229—an act to legalize the official acts of the board of Trustees of the town of Cicero, Hamilton county, Indiana, and all other officers of said corporation, under an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties, approved June 11th, 1852, and the by-laws, rules, regulations and proceedings, adopted in pursuance thereof.

WHEREAS, Said town of Cicero was duly and legally incorporated under and in pursuance of the above entitled act, and,

WHEREAS, some doubts exist as to the regularity and legality of the ordinances of the board of trustees authorizing the issuing of bonds for the erection of school buildings, and the assessment and levy of taxes for the purpose of paying the principal and interest of said bonds, and all other purpose. And,

WHEREAS, the educational and other interests of said town is likely to suffer.

Which was read a first time.

Mr. O'Brien moved to suspend the constitutional rule requiring bills to be read on three several days, that the bill may be read a second time by title now.

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Bowman, Brown, Carnahan, Cave, Chapman, Collett, Daggy, Dwiggin, Fuller, Francisco, Friedley (of Lawrence,) Friedley (of Scott), Glessner, Gooding, Gregg, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neft, O'Brien, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Steele, Stroud, Taylor and Thompson—37.

Those who voted in the negative were, Messrs. Beardsley, Boone, Daugherty, Slater and Williams—5.

So the constitutional rule was suspended and Senate bill No. 229, an act to legalize the official acts of the board of trustees of the town of Cicero, Hamilton county, Indiana, and all other officers of said corporation under an act for the incorporation of towns, defining their powers, providing for the election of officers thereof and declaring their duties, approved June 11th, 1852, and the by-laws, rules, regulations and proceedings, adopted in pursuance thereof.

WHEREAS, said town of Cicero was duly and legally incorporated under and in pursuance of the above entitled act, and,

WHEREAS, some doubts exist as to the regularity and legality of the ordinances of the board of trustees authorizing the issuing of bonds for the erection of school buildings and the assessment and levy of taxes for the purpose of paying the principal and interest of said bonds and all other purposes, and

WHEREAS, the educational and other interests of said town is likely to suffer.

Which was read a second time by title and referred to the Committee on Corporations.

Mr. Bird moved to suspend the order of business and take up Senate bill No. 23.

Which was agreed to.

Engrossed Senate bill No. 23—a bill to authorize the county commissioners of the several counties of this State to appropriate money to aid in putting or keeping in repair any canal running in, through or along said county.

Which was read a third time.

Mr. Taylor asks a unanimous consent to correct by inserting the word Treasurer in lieu of the word Auditor in the fifth line of the second section.

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carna-

han, Cave, Chapman, Collett, Daggy, Daugherty, Dwiggin, Fuller Francisco, Friedley of Scott, Friedley of Lawrence, Gooding, Gregg, Hall, Harney, Haworth, Howard, Hubbard, Miller, O'Brien, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson and Williams—42.

Mr. Neff voting in the negative.

So the bill passed.

The question being shall the title as read stand as the title of the bill.

It was so ordered.

ORDERED; That the Secretary inform the House of the passage of the bill.

Mr. Sleeth moved to suspend the order of business and take up Engrossed House bill No. 27.

Which was agreed to.

Engrossed House bill No. 27—an act concerning interest on judgments.

Which was read a second time.

Mr Sleeth offered the following amendment.

Section —. Whereas an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

Which was adopted.

Mr. Hall offered the following amendment.

“Any condition of notes which demands payment of attorney fees, shall be void.”

Mr. Beardsley moved to lay the amendment of Mr. Hall on the table.

Messrs. Carnahan and Gregg demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Bowman, Brown, Chapman, Collett, Daggy, Daugherty, Dwiggin, Friedley of Scott, Glessner, Gooding, Hough, Howard, Hubbard, O'Brien, Rhodes, Sarnighausen, Scott, Sleeth, Smith, Steele, Stroud and Taylor—26.

Those who voted in the negative were, Messrs. Boone, Bunyan, Carnahan, Cave, Fuller, Francisco, Gregg, Hall, Harney, Haworth, Miller, Neff, Oliver, Orr, Ringo, Slater, Thompson and Williams—18.

So the motion to lay the amendment on the table was agreed to.

Mr. Steele offered the following amendment.

Provided further, that no greater rate of interest than six per cent. shall be allowed on any judgment rendered by any court of this State.

Mr. Sleeth moved to make the bill a special order for 10:30 a. m.

Which motion was agreed to.

Mr. Brown submitted the following report :

MR. PRESIDENT :

A majority of the Committee on Railroads, to whom was referred House bill No. 297, entitled, "A bill supplemental to an act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies," approved May 12, 1869, have had the same under consideration, and return the bill to the Senate with the following amendments, to-wit :

Amend the first section by adding after the word "located" in the 14th line the following words "in the county or township making the donation or taking the stock."

Amend the second section of the bill by striking out all after the word "collection" in the seventh line, and insert the following: "The Auditor and Treasurer of such county shall suspend the collection of such tax, but the same shall be carried forward on the duplicate without being returned delinquent until such railroad is permanently located in said county or township, and has expended

an amount of money in the actual construction of said railroad, in said county or township, equal to the amount of money to be donated to, or stock to be taken in said railroad company by said county or township; and if said railroad company shall not, within three years after said tax has been placed upon the duplicate of the proper county for collection, have expended in the actual construction of said railroad in said county or township equal to the amount of money to be donated to, or stock to be taken in said railroad company by said county or township, the Board of Commissioners may, in their discretion, make an order annulling and canceling such subscriptions of stock or donations of money, upon the application of twenty-five freeholders of the county through which said railroad shall pass, upon said freeholders having given thirty days' public notice immediately preceding the term of the Commissioners' Court at which said application is to be made, of their intention to make such application: *Provided, further*, that it is shown to the satisfaction of the Board of Commissioners that when the amount of work done by any railroad company in any county or township taking stock in or donating money to such railroad company is equal to the stock taken or donation made, it shall be the duty of the Board of Commissioners to order said tax to be collected at once, as though the same had never been suspended," and when so amended the majority of the committee recommend that the bill pass.

Which report was concurred in, and the amendments recommended by the committee were adopted and ordered engrossed.

Mr. Bunyan asked and obtained leave of absence until Tuesday, January 28, at 10:30 o'clock a. m.

Mr. Brown moved to suspend the constitutional rule requiring bills to be read on three several days, and read engrossed House bill No. 297 a second and third time now.

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Bowman, Brown, Bunyan, Carnahan, Cave, Collett, Daggy, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gregg, Haworth, Hough, Howard, Hubbard, Miller, O'Brien, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson and Williams—35

Those who voted in the negative were, Messrs. Beardsley, Boone, Chapman, Daugherty, Dwiggin, Hall, Harney, Neff and Scott—9.

So the constitutional rule was suspended.

Engrossed House bill No. 297—a bill supplemental to “An act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies,” approved May 12, 1869.

Was read a second and third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Bowman, Brown, Bunyan, Carnahan, Cave, Daggy, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Harney, Haworth, Hough, Howard, Hubbard, Miller, O'Brien, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson and Williams—36.

Those who voted in the negative were, Messrs. Beardsley, Boone, Chapman, Collett, Daugherty, Dwiggin, Hall, Neff and Scott—9.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

On motion by Mr. Fuller, the Senate adjourned.

LEONIDAS SEXTON,
Lient. Gov. and President of the Senate.

FRIDAY MORNING.

JANUARY 24, 1873, 10 O'CLOCK.

Senate met.

Pending the reading of the Journal of yesterday, Mr. Beeson moved to dispense with the further reading thereof.

Which was not agreed to.

Pending the reading of the journal of yesterday, Mr. Fuller moved the further reading thereof be dispensed with.

Which was agreed to.

Message from the House by Mr. Nixon, Clerk thereof

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed Senate bill, to-wit :

Engrossed Senate bill No. 2—a bill to authorize and regulate the incorporation of banks of discount and deposit in the State of Indiana, with the following amendments, to-wit :

Amend section three by striking out "may," in line four, and insert "shall," and strike out in same line words "if deemed proper," and in same line strike out word "or" and letter "a," and between words "President" and "Cashier" insert the word "and," and at the word "Cashier" and after the same insert the words "to execute separate bonds;" in line five add "s" to sum, making sums, and "they" in place of "he;" in line six strike out the word "his," and after word "discharge" write words "their several," add "s" to officer and "their" after word "during," and after word "officer" in line seven add the following: "which said bond shall be filed in the office of Secretary of State, for the benefit of the stockholders and creditors of such bank."

Amend by striking out the words "cease to be" in line four section six, and inserting the word "become."

Mr. Steele asked and obtained leave of absence until 10:30 o'clock, Tuesday next.

PETITIONS, MEMORIALS AND RESOLUTIONS.

Mr. Hubbard presented petition from sundry citizens of St. Joseph county on the subject of temperance.

Which was referred to the Committee on Temperance without reading.

Mr. Collett presented the following petition from sundry citizens of Park county on the subject of temperance.

Referred to the Committee on Temperance without reading.

Mr. Beeson presented the following petition from many citizens respecting the divorce laws of the State of Indiana.

Which was referred to the Committee on the Judiciary.

SPECIAL ORDER.

The hour of 10:30 o'clock A. M. having arrived, being the hour fixed for the consideration of engrossed House bill No. 27—an act concerning interest on judgments,

The same was taken up.

Mr. Sleeth moved to lay the amendment heretofore offered by Mr. Steele on the table, to-wit:

Provided further, That no greater rate of interest than six per cent shall be allowed on any judgment rendered by any court of this State.

Messrs. Williams and Carnahan demanded the ayes and noes.

Those who voted in the affirmative were Messrs. Armstrong, Beardsley, Beeson, Bowman, Brown, Chapman, Collett, Daggy, Daugherty, Dwiggins, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Hough, Howard, Hubbard, Neff, O'Brien, Oliver, Orr, Rhodes, Scott, Slater, Sleeth, Smith and Thompson—27.

Those who voted in the negative were Messrs. Boone, Bunyan,

Carnahan, Cave, Fuller, Francisco, Gregg, Hall, Harney, Haworth, Miller, Ringo, Sarnighausen, Stroud and Williams—15.

So the motion to lay the amendment on the table was agreed to.

Mr. Gooding offered the following amendment :

Provided, That the provisions of this act shall not apply to contracts heretofore made.

Mr. Carnahan moved to indefinitely postpone the bill and amendments.

Mr. Slater demanded a division of the question.

The question first being on the postponement of Mr. Gooding's amendment,

Messrs. Carnahan and Williams demanded the ayes and noes.

Those who voted in the affirmative were Messrs. Beardsley, Carnahan, Chapman, Collett, Daggy, Dittemore, Harney, Hough, Neff, O'Brien, Orr, Rhodes, Sarnighausen and Sleeth—14.

Those who voted in the negative were Messrs. Armstrong, Beeson, Boone, Bowman, Brown, Bunyan, Cave, Daugherty, Dwiggins, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Haworth, Howard, Miller, Oliver, Ringo, Scott, Slater, Smith, Stroud, Thompson and Williams—27.

So the motion to indefinitely postpone the amendment was not agreed to.

The question being on the motion to indefinitely postpone the bill,

Mr. Gooding demanded the previous question, which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being on the motion to indefinitely postpone the bill,

Messrs. Carnahan and Williams demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Boone, Bunyan, Carnahan, Cave, Fuller, Glessner, Gregg, Hall, Harney, Haworth, Miller, Ringo, Stroud and Williams—14.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Beeson, Bowman, Brown, Chapman, Collett, Daggy, Daugherty, Dwiggins, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Gooding, Hough, Howard, Hubbard, Neff, O'Brien, Oliver, Orr, Rhodes, Sarnighausen, Scott, Slater, Sleeth, Smith, Taylor and Thompson—29.

So the motion to indefinitely postpone the bill did not prevail.

The question being on the adoption of the amendment of Mr. Gooding,

Mr. Boone offered the following substitute therefor :

“ Provided The provisions of this act shall apply only to contracts, made and executed after the taking effect of this act.”

Mr. Brown moved to lay the substitute offered by Mr. Boone on the table.

Messrs. Carnahan and Cave demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bowman, Brown, Chapman, Collett, Daggy, Dwiggins, Fuller, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Sleeth and Thompson—25.

Those who voted in the negative were, Messrs. Boone, Bunyan, Carnahan, Cave, Daugherty, Francisco, Gregg, Hall, Harney, Ringo, Sarnighausen, Scott, Slater, Stroud, Taylor and Williams—16.

So the motion to lay the substitute on the table was agreed to.

Mr. O'Brien moved to lay the amendment offered by Mr. Gooding on the table.

Messrs. O'Brien and Orr demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Daggy, Dwiggins, Harney, Neff, O'Brien and Sleeth—6.

Those who voted in the negative were, Messrs. Armstrong Beardsley, Beeson, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Fuller, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Gregg, Hall, Haworth, Hough, Howard, Hubbard, Miller, Oliver, Orr, Ringo, Sarnighausen, Scott, Slater, Smith, Stroud, Taylor, Thompson and Williams—34.

So the motion to lay Mr. Gooding's amendment on the table did not prevail.

Mr. Brown demanded the previous question, which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question then being on the adoption of Mr. Gooding's amendment,

It was agreed to.

Engrossed House bill No. 27—a bill concerning interest on judgments was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong Beardsley, Beeson, Bowman, Brown, Chapman, Collett, Daggy, Daugherty, Dwiggins, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Gooding, Howard, Hubbard, Neff, Oliver, Orr, Rhodes, Sarnighausen, Scott, Slater, Sleeth, Smith, Stroud, Taylor and Thompson—28.

Those who voted in the negative were, Messrs. Boone, Bunyan, Carnahan, Cave, Fuller, Glessner, Gregg, Hall, Harney, Haworth, Hough, Miller, O'Brien, Ringo and Williams—15.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Mr. Chapman moved to amend by striking out the word "concerning," and insert the word "regulating."

Which was agreed to.

The question [then being, shall the title as amended stand as the title of the bill?

It was so ordered.

ORDERED, That the Secretary inform the House of the passage of the bill.

On motion, by Mr. Carnahan, the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled at two o'clock p. m.

Senate was called to order by George W. Friedley, Senator from Lawrence, and President *pro tem.* of the Senate.

Mr. Daugherty moved that the message from the House in relation to Senate bill No. 2, and House amendments thereto, be returned to the House for correction.

Which was agreed to.

Mr. Chapman raised the point of order that in the absence of the Lieutenant Governor the Senate has no presiding officer.

Mr. Brown in the chair, decided that the election of Hon. Geo. W. Friedley of Lawrence, on yesterday as President, *pro tem.* of the Senate was for the term, and that under said election he is authorized to preside over the Senate as President *pro tem.* at any time the Lieutenant Governor may be absent.

From which decision Messrs. Hall and Chapman appealed.

The question being, shall the decision of the chair stand as the judgment of the Senate.

Messrs. Dwiggins and Chapman demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bowman, Bunyan, Cave, Collett, Daggy, Daugherty, Dwiggins, Francisco, Friedley (of Scott,) Glessner, Gooding, Harney, Haworth, Howard, Hubbard, Miller, O'Brien, Oliver, Rhodes, Sarnighausen, Scott, Slater, Stroud, Taylor and Thompson—29.

Those who voted in the negative were, Messrs. Carnahan, Chapman, Gregg, Hall, Hough, Neff, Orr, Ringo and Williams—9.

So the decision of the chair was sustained.

Mr. Hall moved that when the Senate adjourn that it be until Monday next at 2 o'clock, p. m.

Messrs. Dwiggins and Harney demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bowman, Brown, Bunyan, Chapman, Francisco, Glessner, Gregg, Hall, Neff, O'Brien, Orr, Ringo, Scott and Stroud—16.

Those who voted in the negative were, Messrs. Beardsley, Boone, Carnahan, Cave, Collett, Daggy, Daugherty, Dwiggins, Fuller, Friedley (of Scott,) Friedley (of Lawrence,) Gooding, Harney, Haworth, Hough, Howard, Hubbard, Miller, Oliver, Rhodes, Sarnighausen, Slater, Smith, Taylor, Thompson and Williams—26.

So the motion was not agreed to.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Thompson offered the following memorial:

TO THE HONORABLE MEMBERS OF THE GENERAL ASSEMBLY OF
THE STATE OF INDIANA:

We would respectfully represent that we now have the reports of the Auditor of State, State Geologist, Superintendent of Pub-

lic Instruction, State Board of Agriculture, and Senate Journal of Special Session, nearly complete, etc.

Which was referred to the Committee on Printing.

Mr. Boone presented the following memorial:

Asking for a law forbidding the sale or trafic in intoxicating liquors as a beverage, &c.

Which was referred to the Committee on Temperance without reading.

Mr. Gregg presented the following memorial.

Remonstrating against any assessment of lands for gravel, plank, and Macadamized roads, &c.

Which was by request of Mr. Gregg, laid on the table.

REPORTS FROM STANDING COMMITTEES.

Mr. Gooding from the Committee on the Judiciary submitted the following report:

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred Senate bill No. 223, entitled an act to legalize certain acts of Notaries Public, direct me to report that they have had the same under consideration and I am authorized by said committee to return the same with the recommendation that it do pass.

Which was concurred in.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills respectfully report that they have examined and compared Enrolled Senate Joint Resolution No. 5, entitled "A joint resolution to make temporary provisions for the public printing," and find the same correctly enrolled

MR. PRESIDENT:

The Joint Committee on Enrolled Bills would respectly report

that they have examined and compared Enrolled Senate act No. 159, entitled An act to provide for the submission to the qualified voters of this State, for their ratification or rejection, a proposed amendment to the Constitution of Indiana therein mentioned, and declaring an emergency, with the Engrossed bill, and find it correctly enrolled.

Mr. Boone from the Committee on the Judiciary submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 207, entitled "A bill to amend the fifty-fourth section of an act entitled an act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in courts of this State, and to abolish distinct forms of action," &c., have had the same under consideration, and instructed me to report the same back with the recommendation that the same lie upon the table.

Which was concurred in.

Mr. Boone, from the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 200—a bill in relation to jury trials, to prevent the continuance of causes tried by jury, after the commencement of the trial, by reason of sickness of one or more of the jurors, and repealing all laws in conflict with this act, &c.—have had the same under consideration, and have instructed me to report the same back with the recommendation that the passage of the same be indefinitely postponed.

Which report was concurred in.

Mr. Daggy, from the Committee on the Judiciary, made the following majority report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate
S. J.—15

bill No. 158—to repeal an act entitled “An act to authorize aid to the construction of railroads by counties and townships, taking stock in and making donations to railroad companies”—have had the same under consideration and the majority thereof have directed me to return the same recommending its indefinite postponement, for the reason,

First. That the unconditional repeal of said law would be impolitic.

Second. That several bills amending said act, and limiting the collection of said railroad tax, are now pending for the consideration of the Senate.

Mr. Gregg, from the Committee on the Judiciary, made the following minority report:

MR. PRESIDENT:

The Judiciary Committee to whom was referred Senate bill No. 158, entitled “An act to repeal an act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies,” have had the same under consideration, and the minority of your committee recommend that said bill do pass.

Mr. Daggy moved to lay the minority report of the committee on the table.

Messrs. Neff and Gregg demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Boone, Carnahan, Chapman, Collett, Daggy, Daugherty, Dwiggins, Friedley (of Scott), Gooding, Haworth, Howard, O'Brien, Scott and Williams—16.

Those who voted in the negative were, Messrs. Beeson, Bowman, Bunyan, Cave, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gregg, Hall, Harney, Hough, Hubbard, Miller, Neff, Oliver, Orr, Rhoads, Ringo, Sarnighausen, Slater, Smith, Stroud, Taylor and Thompson—25.

So the motion to lay on the table did not prevail.

The question recurring on the motion to concur in the minority report of the committee.

Mr. O'Brien moved to lay the bill and the majority and minority reports of the committee on the table.

Which motion was agreed to.

Message from the Governor by Samuel R. Downey, his Private Secretary :

MR. PRESIDENT :

By direction of the Governor, I have the honor to lay before the Senate a communication from his Excellency relative to the printing of the report of the officers whose statements are transmitted herewith.

GENTLEMEN OF THE SENATE :

I herewith communicate the statements of the Auditor of State, State Geologist, Superintendent of Public Instruction, and Secretary of the State Board of Agriculture, in relation to the condition of the printing and binding of their reports, from which it appears that the public interest will be promoted by the completion of the work on said reports by the present State Printer, and I recommend that he be authorized to complete the same.

STATE OF INDIANA, OFFICE OF AUDITOR OF STATE, }
INDIANAPOLIS, January 24, 1873. }

To the Honorable the General Assembly of Indiana :

GENTLEMEN :—The report of this office to the General Assembly has been printed, and nearly all bound. Its constant demand by citizens from all parts of the State leads me to urgently request that the binding, which is nearly completed be finished.

I have the honor to be, respectfully,

[Signed]

JOHN C. SHOEMAKER,
Auditor.

OFFICE OF STATE GEOLOGIST, }
INDIANAPOLIS, IND., January 24, 1873. }

To the Honorable Members of the Legislature :

GENTLEMEN :—The report of the State Geologist is now nearly

complete, some copies, being now delivered. I would respectfully request that the work on the same may not be stopped, as I am receiving daily requests for said report.

Respectfully yours,
[Signed] E. T. COX,
State Geologist.

INDIANAPOLIS, January 24, 1873.

To the Honorable General Assembly of the State of Indiana:

We would respectfully represent that the printing of the report of the State Board of Agriculture is so far advanced that it will be completed within a few days, providing the work on same is not stopped, and that to stop now would incur unnecessary expense and great delay; therefore, we respectfully request that the work be completed by the present printers.

[Signed] ALEX. HERRON,
Sec'y Ind. State Board of Agriculture.

DEPARTMENT OF PUBLIC INSTRUCTION, }
OFFICE OF SUPERINTENDENT, }
INDIANAPOLIS, Jan. 24, 1873. }

To the General Assembly:

The report of the Superintendent of Public Instruction, now in the hands of the State Printer, is almost finished and can be completed in a few days with but little additional expense. If the matter is taken from the present company, it will delay its completion several weeks, and consequently delay its distribution. I request your honorable body to permit the Sentinel Company to complete the report.

[Signed] MILTON B. HOPKINS,
Superintendent of Public Instruction.

Mr. Scott, from the Committee on Education, submitted the following report:

MR. PRESIDENT:

The Committee on Education, to whom was referred Senate

bill No. 153—an act to amend an act to create a State Normal School, have had the same under advisement, and have directed me to report the same back to the Senate, recommending that section 3 be amended by striking out \$7,206.83, and insert the sum of \$3,206.83, and that \$2,500 be stricken out of the same section, and \$2,000 inserted, so that the section shall read as follows:

SECTION 3. There shall be appropriated out of the State Treasury, from funds not otherwise appropriated, \$3,206.83, to liquidate the indebtedness of the Normal School.

Also, an amount, annually, not exceeding \$2,000 in any one year, for warming, lighting, janitor's fees, repairs, and for actual expenses of said institution. And with these amendments the Committee recommend that the bill do pass.

Which was concurred in.

Mr. Daggy, from the Committee on the Judiciary, submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 105, entitled "A bill to authorize the Courts of Common Pleas to determine who the heirs, legatees, or distributees of a decedent are, and to order partial distribution of his estate among such heirs, distributees, or legatees, prior to the final settlement of his estate, and declaring an emergency," have had the same under consideration, and directed me to report the same back, recommending its passage.

Which report was concurred in.

Mr. Daggy, from the Committee on the Judiciary, submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 213, to amend section 16 of an act entitled "An act concerning real property and the alienation thereof," approved May 6th, 1852, have had the same under consideration, and directed me to report the same, recommending its passage with the following amendments:

1st. In line ten, after the word "~~years~~ interest," "hereafter executed."

2d. And in line 14, strike out the word "thirty," and insert "forty-five."

Which was concurred in.

Mr. Daggy, from the Committee on the Judiciary, submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 188, to enable and empower executors and administrators of estates of deceased persons to enforce partition of the real estate of such decedent in certain cases, and declaring an emergency, have had the same under consideration, and directed me to report the same, recommending its passage with the amendment as follows:

Amend section one by striking out, in lines 21 and 22 the words "petition to sell real estate of decedents to pay debts," and in lieu thereof insert "other cases of partition."

Which report was concurred in.

Mr. Daggy, from the Committee on the Judiciary, submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 220—an act affording relief to counties and townships voting aid to railroad companies, and repealing all laws inconsistent therewith, and declaring an emergency, have had the same under consideration, and directed me to report that the same lie upon the table.

Which was concurred in.

Mr. Daggy, from the Committee on the Judiciary, submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate

bill No. 210, to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies, approved May 12th 1869, and to authorize the board of commissioners in the several counties of the State to extend the time of paying such tax for such donations, and to authorize them to wholly discharge the same from the tax duplicate, have had the same under consideration, and have directed me to return the same, recommending that the same do lie upon the table.

Which reported was concurred in.

Mr. Gregg, from the committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 72, entitled "An act to amend section 397 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th 1852, have had the same under consideration, and have prepared a new bill covering the same subject, and recommend that the same be substituted in lieu of said bill, and when so done, that the same do pass.

Which report was concurred in.

Senate bill No. 230—a bill to amend section 397 of an act entitled "An act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time.

Mr. Gregg, from the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 217, entitled "A bill to authorize satisfaction of mortgages in certain cases," have had the same under consideration, and recommend that said bill do pass.

Which report was concurred in.

Mr. Boone, from the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 108—a bill in relation to the qualification of jurors in certain cases therein named—have had the same under consideration, and have instructed me to report that the committee recommend that the passage of the bill be indefinitely postponed.

Mr. Brown moved to amend the report by striking out the words "indefinitely postponed" and insert "do lie on the table."

Which amendment was agreed to.

The question being on concurring in the report as amended,

It was concurred in.

Mr. Boone, from the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 173, authorizing trustees of incorporated towns or cities to sell certain school property within their limits, have had the same under consideration and they return the bill to the Senate with the recommendation that it do pass.

Which was concurred in.

Mr. Boone, from the Committee on the Judiciary, to whom was referred Senate bill No. 138, entitled "A bill prescribing the limitation of civil actions and proceedings on judgments and decrees of

courts, and repealing all laws in conflict therewith," report they have had the same under consideration, and I am authorized by a majority of said committee to return said bill with the recommendation that the same lay upon the table.

Which was concurred in.

Mr. Gregg submitted the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 204, entitled "A bill to amend the 15th section of an act entitled an act prescribing the manner of compelling officers to give new bonds and additional sureties," approved May 13, 1852, have had the same under consideration and recommend that said bill do pass.

Which was concurred in.

Mr. Daggy submitted the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts to whom was referred Senate bill No. 119 to amend an act entitled an act to establish courts of Common Pleas, and defining the jurisdiction and duties of, and providing compensation for the judge thereof, have considered the same, and a majority thereof have directed me to report the same, recommending its indefinite postponement for the reasons: first, that it would be impolitic to have two courts within the same jurisdiction; second, that under the constitution of the State, courts inferior to circuit courts only can be created.

Which was concurred in.

Mr. Orr, from the Committee on County and Township Business, submitted the following report.

MR. PRESIDENT :

The Committee on County and Township Business to whom was referred Engrossed House bill No. 59—a bill to amend section six of an act, entitled an act to amend an act entitled an act pro-

viding for the election or appointment of Supervisors of highways and prescribing certain of their duties, and those of county and township officers in relation thereto, approved March 5th, 1859, approved December 20th, 1865, have had the same under consideration and instructed me to report to the Senate that the bill do pass.

Which report was concurred in.

Mr. Ringo submitted the following report from the Committee on County and Township Business :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred House bill No. 69—a bill in relation to the settlement of supervisors of highways with township trustees, defining the time for settlement, have had the same under consideration and report it back to the Senate with instructions to lay the bill on the table.

Which was concurred in.

Mr. Bunyan from the Committee on County and Township Business, submitted the following report :

MR. PRESIDENT :

The Committee on County and Township Business to whom was referred Senate bill No. 144—a bill to amend section four of an act entitled "An act authorizing the assessment of lands for plank, Macadamized, and gravel roads prescribing the manner of assessing and collecting the same, and repealing the law on that subject, approved May 14th, 1868, providing compensation for county auditors in such assessment, and declaring an emergency, have had the same under consideration and a majority of the committee instruct me to report the same back, and recommend that it do lie on the table.

Which report was concurred in.

Mr. Brown moved to suspend the order of business, and take up message from the Governor in relation to State printing.

Which was agreed to

Mr. Dwiggins moved to refer the message and the accompanying documents to the Committee on Public Printing.

Which was agreed to.

Mr. Hubbard made the following report :

MR. PRESIDENT :

The Select Committee to whom was referred House bill No. 137, respectfully report, that they have had the same under consideration and recommend that the bill be amended as follows :

Strike out the fourth, and fifth clauses of the first section of the bill and insert the following, in lieu thereof:

Fourth. When the evidence is concluded, the prosecuting attorney and the defendant or his counsel may by agreement in open court submit the case to the court or jury trying the same without argument, but if the case is not so submitted without argument, the prosecuting attorney shall have the opening and closing of the argument, but he shall disclose in the opening all the points relied on in the case, and if in the closing he refer to any new point or fact not disclosed in the opening, the defendant or his counsel shall have the right of replying thereto, which reply shall close the argument in the case. If the prosecuting attorney shall refuse to open the argument, the defendant or his counsel may then argue his case, and that shall be all the argument in the case.

Fifth. The court must then charge the jury, which charge upon the request of the prosecuting attorney, the defendant, or his counsel, made at any time before the commencement of the argument, shall be in writing and the instructions therein contained numbered and signed by the court.

Sixth. If the prosecuting attorney, the defendant or his counsel desire special instructions to be given to the jury, such instructions shall be reduced to writing, numbered, and signed by the party or his attorney asking them and delivered to the court before the commencement of the argument.

And when so amended the committee recommend that the bill do pass.

Which report was concurred in and the amendments adopted, and ordered engrossed.

Mr Daggy introduced Senate Joint Resolution No. 6—a joint resolution in relation to certain law books therein mentioned.

The question being, shall the Joint Resolution pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dwiggin, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Orr, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Stroud, Taylor, Thompson and Williams—41.

No Senator voting in the negative.

So the Senate Joint Resolution passed.

The question being, shall the title as read stand as the title of the Joint Resolution?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the Joint Resolution.

The following Senators asked and obtained leave of absence: Mr. Scott until Monday next at 10 o'clock a. m.; Messrs. Armstrong and O'Brien until Monday next at 2 o'clock p. m.; Messrs. Neff, Collett and Gregg, until Tuesday next at 10 o'clock a. m.; Messrs. Ringo, Chapman, Francisco and Bowman, until Wednesday next at 10 o'clock a. m.; Mr. Sleeth indefinitely.

Mr. Orr moved that when the Senate adjourn, it stand adjourned until 2 o'clock p. m. on Monday next.

Which was not agreed to.

INTRODUCTION OF BILLS.

Mr. Gooding introduced Senate bill No. 231—an act to amend

an act entitled "An act to amend an act granting to the citizens of the town of Evansville a city charter," approved February 4, 1848.

Which was read a first time.

Mr. Neff introduced Senate bill No. 232—a bill to regulate the sale of mineral oils and other substances for illuminating purposes.

Which was read a first time.

On motion of Mr. O'Brien, the Senate adjourned.

SATURDAY MORNING.

JANUARY 25, 1873, 10 o'clock.

The Senate met.

Pending the reading of the journal of yesterday, Mr. Brown moved to dispense with the further reading thereof.

Which was agreed to.

REPORTS FROM STANDING COMMITTEES.

Mr. Dwiggins submitted the following report from Committee on Corporations:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate bill No. 229, being an act to legalize the official acts of the town trustees, and other officers, of the town of Cicero, have had the same under consideration, and have directed me to make the following report:

Amend the title of the act so as the same will read as follows: "An act to legalize the official acts of the town trustees and other officers of the town of Cicero."

Amend section one so that the same shall read as follows: "That all acts of the town trustees and other officers of the town

of Cicero, and all ordinances of said town relating to the issuing of bonds for the purpose of raising money to be used in the erection of school buildings in said town, and the levy of taxes to pay the principal and interest on said bonds, and for all other purposes, be, and the same are hereby legalized and made valid." Also amend said bill by striking out all the preamble of said bill. And when the bill is so amended the committee recommend that the same do pass.

Which was concurred in.

Mr. Dwiggins, from the Committee on Corporations, submitted the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred engrossed House bill No. 3—a bill to amend an act for the construction of levees, dykes and drains by incorporated companies and associations, which act took effect May 22, 1869, and also to repeal an act supplemental thereto, approved February 23, 1871, and saving from the operation of this act all works ten miles in length and under—have had the same under consideration and have directed me to report the same back with a recommendation that the same be indefinitely postponed, for the reason that a similar bill has passed both Houses and become a law.

Which report was concurred in.

Mr. Miller, from the Committee on County and Township Business, submitted the following report :

MR. PRESIDENT :

Your committee, to whom was referred House bill No. 123, entitled "A bill providing for transaction of road business and time for appointment of superintendent and physicians for poor," have had the same under consideration, and have instructed me to report the same back to the Senate, and that it lie upon the table.

Which report was concurred in.

Mr. Howard, from the Committee on Roads, submitted the following report :

MR. PRESIDENT:

The Committee on Roads, to whom was referred the petition of sundry citizens of Shelby county, asking that Senate bill No. 31, authorizing a supplemental assessment for gravel road purposes, become a law, request the reference of said petition to the committee having that bill in charge.

Which report was concurred in.

INTRODUCTION OF BILLS.

Mr. Williams introduced Senate bill No. 233—"An act to enable cities to aid in the construction of manufacturing companies."

Which was read a first time.

Mr. Glessner introduced Senate bill No. 234—an act to prevent dogs from running at large.

Which was read a first time.

Mr. Oliver introduced Senate bill No. 235—a bill to charter the Northwestern Synod of the Reformed Church in the United States, consisting of the citizens of Indiana and other States.

Which was read a first time.

Mr. Beardsley introduced Senate bill No. 236—"An act concerning cemeteries."

Which was read a first time.

Mr. Sarnighausen introduced Senate bill No. 237—an act to amend the third section of an act entitled "An act providing for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1852, prescribing the time and manner of the election of Board of Commissioners and their terms of office and declaring an emergency.

Which was read a first time.

Mr. Glessner made the following report:

MR. PRESIDENT :

The joint committee, appointed under a concurrent resolution of the Senate and House of Representatives, for the purpose of re-districting the State for judicial purposes, so as to equalize the labor of the several Courts of the State, have had the subject under consideration, and to accomplish the object in view have prepared the accompanying bill and respectfully recommend that the same do pass—"A bill for an act to divide the State into circuits for judicial purposes, fixing the time of holding the Courts therein, abolishing the Courts of Common Pleas, and transferring the business thereof to the Circuit Courts, and providing for the election of judges and prosecuting attorneys in certain cases."

Which report was concurred in, and the bill read a first time.

On motion by Mr. Dwiggins, the Secretary was ordered to have two hundred copies of Senate bill No. 238 printed for the use of the Senate.

Mr. Thompson introduced Senate bill No. 239—a bill authorizing incorporated cities containing a population of thirty thousand to make loans, and prescribing rules and regulations concerning the loaning of money by such cities.

Which was read a first time.

Mr. Brown introduced Senate bill No. 240—a bill to amend the 156th section of an act entitled "An act to provide for a general system of common school, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6th, 1865.

Which was read a first time.

Mr. Harney introduced Senate bill No 241—"a bill for an act declaring all agreements to pay attorneys' fees, when contained in any written evidence of indebtedness as an addition thereto, on a contingency, shall be usurious, illegal and void."

Which was read a first time.

Mr. Taylor introduced Senate bill No. 242—a bill to amend sections 7 and 8 of an act entitled “An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,” approved March 14th, 1867.

Which was read a first time.

Mr. Thompson introduced Senate bill No. 243—a bill appointing commissioners to sell certain real estate therein named, and providing that the results of sale or sales shall be paid into the State treasury by said commissioners, and declaring an emergency.

Which was read a first time.

Mr. Beardsley introduced Senate bill No. 244—a bill fixing the compensation of certain officers therein mentioned.

Which was read a first time.

Mr. Beardsley introduced Senate bill No. 245—a bill providing for the letting of the State printing to the lowest bidder, and providing that the Governor, Secretary of State and Auditor of State shall be, *ex officio*, Commissioners of Public Printing, and providing for the appointment of a Superintendent of Public Printing, and abolishing the office of State Printer.

Which was read a first time.

Mr. Thompson introduced Senate bill No. 246—a bill entitled “An act for the suppression of the trade in and circulation of obscene literature, illustrations, advertisements and articles of indecent or immoral use, and obscene advertisements of patent medicine, and articles producing abortion, and declaring an emergency to exist.

Which was read a first time.

Mr. Glessner introduced Senate bill No. 247—a bill to provide against usury.

Which was read a first time.

Mr. Thompson introduced Senate bill No. 248—a bill to provide for exemption from sale on execution of occupied lots in _____ cemeteries, which have been platted and recorded.

Which was read a first time.

Mr. Rhodes introduced Senate bill No. 249—a bill supplemental to an act entitled “An act to provide for a uniform assessment of property, and for the collection and return of taxes,” approved December, 1872.

Which was read a first time.

SENATE BILLS ON SECOND READING.

Senate bill No. 224—a bill for the relief of Nicholas Mörback, Joseph E. Lang and Francis Joseph Wetzler.

Which was read a second time by title, and referred to the Committee on Claims..

Senate bill No. 226—a bill to amend sections 457 and 458 of an act entitled “An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity,” approved June 18th, 1852.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 227—a bill providing for empanneling a jury other than the regular panel in certain cases in the Superior Courts and Circuit Courts and Courts of Common Pleas of this State, and declaring an emergency.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 228—a bill in relation to the arrest of felons, and providing for the appointment of special constables therefor.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 230—a bill to amend section 397 of an act entitled “An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleadings and practice without distinction between law and equity,” approved June 18, 1852.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 231—a bill to amend an act entitled “An act to amend an act granting to the citizens of the town of Evansville a city charter,” approved February 4, 1848.

Which was read a second time by title and referred to the Committee on the Judiciary.

Senate bill 232—a bill to regulate the sale of mineral oils and other substances for illuminating purposes.

Which was read a second time by title, and referred to the Committee on Rights and Privileges.

Mr. Gooding submitted the following report from a Select Committee :

MR. PRESIDENT :

The Select Committee appointed by resolution of the Senate, acting in company with a like committee of the House, have made investigation of the condition and records of the office of Secretary of State, and find that the reports of the Secretaries in past years, and especially the report of the just retired officer, does not too strongly state the neglected condition of public records, files and duties therein, nor too strongly urge the necessity of re-organization.

Every year of further delay will result in the loss and damage of public papers, many of great interest and value and wholly irreparable. They find also that either through defect of law in prescribing duty or neglect of duty in performing what was prescribed there is important clerical work required to be done, for

which no provision is now made. Thousands of deeds, patents, charters and other papers involving the original titles and rights in millions of property of the people of the State are practically inaccessible for want of indexes and from other defects, which ought to be remedied. They find that by legislation of the General Assembly there is a constant accumulation of diversified duties in this office, many of which duties are imposed to make this office a check on waste or wrong in other departments, but yet which are practically inoperative for want of records and system. Thus most of the extravagance and fraud alleged in regard to public printing could be prevented or detected if proper records were required to be kept, and all orders passed through this office. They also find that while the General Assembly has been constantly enlarging the duties of the Secretary, it has made no provision for any increase for clerical help, nor any increase of compensation. Indeed, by cutting off a large part of the fees formerly allowed it has been stripped of a fair compensation. But without pursuing the subject into details and referring Senators to the message of the Governor, the reports of the Secretary, and more convincing still, half an hour's personal inspection of the office, they submit a bill, carefully digested and properly guarded, to remedy the evils mentioned, asking for it an immediate and generous attention, and an early passage.

Your committee have such confidence in the integrity of the present Secretary, as well as in the soundness of his judgment, that they would have entrusted him with a larger discretion, but that he did not desire it.

We therefore submit this bill with a confident belief that it ought and will meet the approval of this General Assembly.

Which report was concurred in.

Senate bill No. 250—a bill to further prescribe the duties of Secretary of State, and to provide for the necessary arrangements, clerks and expenses of his office.

Which was read a first time.

Mr Fuller moved that when the Senate adjourn it stand adjourned until Monday next at 2 o'clock p. m.

Which motion was agreed to.

Mr Hubbard made the following report :

MR. PRESIDENT :

The Committee on Corporations to whom was referred House bill No. 174—a bill to amend section thirty-two of an act entitled “An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,” approved March 14th, 1867, have had the same under consideration and have instructed me to report the same back to the Senate and respectfully ask that it do pass.

Which report was concurred in.

Mr. Hubbard submitted the following report from the Committee on Corporations.

MR. PRESIDENT :

Your Committee on Corporations to whom was referred Senate bill 176—an act supplemental to an act entitled “An act to establish public libraries,” have had the same under consideration and respectfully recommend its passage.

Which report was concurred in.

Mr. Hubbard submitted the following report.

MR. PRESIDENT :

Your Committee on Corporations to whom was referred House bill No. 76—“a bill to amend an act to enable the owners of wet lands to drain them,” &c., have had the same under consideration and have instructed me to report back the same, with the recommendation that the same pass.

Which report was concurred in.

Mr. Hubbard from the Committee on Corporations submitted the following report.

MR. PRESIDENT :

Your Committee on Corporations to whom was referred Senate

bill No. 156—"an act to authorize cities constructing water works to issue bonds," &c., have had the same under consideration and respectfully recommend its passage.

Which report was concurred in.

Mr. Hubbard submitted the following report from the Committee on Corporations.

MR. PRESIDENT:

The Committee on Corporations to whom was referred Senate bill No. 196—"a bill to amend section 24 of an act entitled an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof and declaring their duties," approved January 11th, 1852, and declaring an emergency, have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it lie on the table.

Which was concurred in.

Mr. Hubbard made the following report.

MR. PRESIDENT:

The Committee on Corporations to whom was referred Senate bill No. 221—a bill to amend an act for the incorporation of towns defining their powers, and declaring their duties, and repealing all laws in conflict with the provisions of this act, have had the same under consideration and instructed me to report the same back to the Senate, with the recommendation that it lie on the table.

Which report was concurred in.

On motion of Mr. Carnahan, the Senate adjourned until Monday next, at 2 o'clock p. m.

GEORGE W. FRIEDLEY,
President of the Senate.

MONDAY MORNING.

JANUARY 27, 1873, 2 O'CLOCK P. M.

The Senate met.

The journal of Saturday was read and approved.

Mr. Daggy submitted the following report:

MR. PRESIDENT:

The Committee on the Organization of Courts, to whom was referred Senate bill No. 196, have had the same under consideration, and directed me to return the same, recommending its reference to the special committee on re-districting the State for judicial purposes.

Which was concurred in.

Mr. Dittemore offered the following resolution:

Resolved, That the doorkeeper of the Senate be, and he is hereby instructed to take charge of, and keep the same in some secure place, the papers belonging to members during their absence, and return the same to members when called for.

The question being on the adoption of the resolution of Mr. Dittemore,

Mr. Dittemore demanded a call of the Senate.

Those who answered to their names were, Messrs. Armstrong, Beardsley, Boone, Carnahan, Cave, Collett, Daggy, Daugherty, Dittemore, Dwiggins and Fuller—11.

Pending the call, Mr. Harney moved to dispense with the further call.

Which was agreed to.

The question recurring on the adoption of the resolution of Mr. Dittemore.

It was not agreed to.

INTRODUCTION OF BILLS.

Mr. Cave introduced Senate bill No. 251—a bill in relation to donations by individuals to aid in the construction of any railroad.

Which was read a first time.

Mr. Daggy introduced Senate bill No. 252—a bill to amend section thirty-one of an act entitled “An act providing for the organizations of county boards, and prescribing some of their powers and duties,” approved June 17, 1852.

Which was read a first time.

Mr. Thompson introduced Senate bill No. 253—a bill to prevent libelous publications.

Which was read a first time.

Mr. Hall introduced Senate bill No. 254—a bill to amend section sixty of an act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and regulate such other matters as properly pertain thereto, approved March 14, 1867.

Which was a read a first time.

Mr. Fuller introduced Senate bill No. 255—a bill to prevent the owners of hogs having the cholera from letting the same run at large.

Which was read a first time.

HOUSE BILLS ON FIRST READING.

Engrossed House bill No. 225—a bill to amend section 2 of an act entitled “An act to provide for the protection of wild game, and defining the time in which the same may be taken or killed, and prescribing the penalty for violation of the same,” approved March 11th, 1867, and also providing for the protection of certain birds therein named, and affixing a penalty.

Which was read a first time.

Engrossed House bill No. 213—a bill defining cruelty to ani-

male, declaring it a misdemeanor, and providing a penalty therefor.

Which was read a first time.

Engrossed House bill No. 307—a bill for the relief of Ensley Wilson, declaring the title of the State of Indiana to certain lands described therein to be vested in the said Wilson, his heirs and assigns, and declaring an emergency.

Which was read a first time.

Engrossed House bill No. 299—a bill to allow a bounty for fox scalps, providing for the payment thereof, prescribing the duties of County Treasurers and Clerks in relation thereto, and authorizing County Commissioners to allow an additional bounty for such scalps.

Which was read a first time.

Senate bill No. 104—a bill to repeal an act authorizing the assessment of lands for plank, Macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same. approved May 14th 1869.

And also authorizing companies who have organized and commenced work under the provisions of the above acts to perfect their assessment, and declaring an emergency.

Which was read a second time.

Message from the House, by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate, that he has signed the following enrolled acts of the House, to-wit:

Enrolled joint resolution of the House of Representatives No. 11—a joint resolution directing a settlement with the State Printer.

Enrolled act No. 301, H. R.—an act to change the time of holding the circuit court of Bartholomew county at the summer term.

Enrolled act No. 302, H. R.—an act fixing the time of holding the common pleas court in the county of Bartholomew, and the

same are herewith submitted to the Senate for the signature of the President.

I am also directed to inform the Senate, that the House has passed the following resolution :

WHEREAS, There is some misunderstanding in regard to the title of certain real estate lying between Washington and Ohio and Tennessee and Mississippi streets, in the city of Indianapolis, said misunderstanding being as to whether the State of Indiana or private persons are the owners of said real estate, therefore,

Resolved, by the House of Representatives, (the Senate concurring therein,) That the Attorney General of the State of Indiana be and he is hereby directed to examine the title to said real estate, and report the result of his investigations to the General Assembly.

Also, the following :

WHEREAS, By the great fire of Chicago, the Law Institute of that city lost its library, and

WHEREAS, The Judges of the Supreme Court and the Governor of this State sent to the Hon. S. B. Gookins a full set of Indiana Reports, a set of Indiana Statutes (Gavin and Hord,) consisting of three volumes, the property of the State, and,

WHEREAS, These were sent and received with the understanding that they would be returned to the Governor and Judges of the Supreme Court, unless the General Assembly should sanction their retention by the Law Institute of Chicago, as a donation to its library from the people of the great State of Indiana. Therefore, be it

Resolved by the General Assembly of the State of Indiana, That the above mentioned books be retained by that Association as a contribution from the State of Indiana to the Institution, and that the Secretary of State be instructed to notify the officers of that institution of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

Mr. Dittemore moved to suspend the order of business and take up Senate bill No. 148.

Which was not agreed to.

Senate bill No. 157, was ordered engrossed for a third reading.

On motion of Mr. Dittemore, the Senate adjourned.

G. W. FRIEDLEY,
President of the Senate.

TUESDAY MORNING.

JANUARY 28, 1873, 10 o'clock.

Senate met.

Prayer was made by the Rev. Mr. Brandt, Pastor of Olivet Presbyterian Church.

The journal of yesterday was read and approved.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Orr presented a petition in regard to sundry claims of witnesses in the Burson contest case of the Forty-Seventh General Assembly.

Which was referred to the Committee on Claims without reading.

Mr. Haworth presented a petition on regulating the sale and use of intoxicating liquors.

Which was referred to the Committee on Temperance.

Mr. Haworth presented a petition in relation to reckless hunting and shooting by sportsmen.

Which was referred to the Committee on Rights and Privileges.

Mr. Beeson presented a petition on the subject of education.

Which was referred to the Committee on Education.

Mr. Taylor presented a petition from the Common Council of the city of Lafayette in relation to the keeping of public funds.

Which was referred to the Committee on Finance.

Message from the House by Mr. Nixon Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, to-wit:

WHEREAS, By an act of the General Assembly, February 18, 1873, has been fixed for the Electors of the State to accept or reject the amendment, now pending, to the Constitution of the State; and,

WHEREAS, The Constitution requires amendment in several particulars, and such amendments should be submitted for the consideration of the General Assembly as early as possible, so that they may be disposed of, and incorporated in the Constitution; Therefore,

Resolved, (the Senate concurring herein,) That a committee of five on the part of the House and three on the part of the Senate be appointed to mature and submit to this General Assembly such amendments to the Constitution as they may deem proper, and that they report on the 20th day of February next, and that the Speaker has appointed as such committee on the part of the House Messrs. Woolen, Walker, Wilson (of Ripley), Cauthon and Wesner.

And that the House has passed the following engrossed House bill, to-wit:

I am also directed to inform the Senate that the House has passed, with the accompanying engrossed amendments:

Senate bill No. 2—a bill to authorize and regulate the incorporation of banks of discount and deposit in the State of Indiana.

Engrossed amendments of the House of Representatives to Senate bill No. 2.

Amend section three by striking out "may," in line eight, and insert "shall," and strike out in same line the words "if deemed proper," and in ninth and tenth lines strike out word "or" and letter "a," and between the words "President" and "Cashier" insert the word "and," and at the word "Cashier" and after the same insert the words "to execute separate bonds;" in line five add "s" to sum, making sums, and "they" in place of "he;" in line six strike out the word "his," and after word "discharge" write words "their several," add "s" to officer and "their" after word "during," and after word "officer" in line fourteen add the following: "which said bond shall be filed in the office of Secretary of State, for the benefit of stockholders and creditors of such bank."

Amend by striking out the words "cease to be" in line eight section six, and inserting the word "become."

Amend said bill further by adding the following sections:

SEC. 18. The Auditor of State, with the approbation of the Governor as often as shall be deemed necessary or proper, shall appoint a suitable person or persons to make an examination of the affairs of every banking association under this act, which person shall not be a director or other officer in any association whose affairs he shall be appointed to examine, and who shall have power to make a thorough examination into all the affairs of the association, and in doing so to examine any of the officers and agents thereof on oath, and shall make a full and detailed report of the condition of the association to the Auditor. And the association shall not be subject to any other visitorial powers than such as are authorized by this act, except such as are vested in the several courts of this State. And every person appointed to make such examination shall receive for his services at the rate of five dollars for each day by him employed in such examination, and two dollars for every twenty-five miles he shall necessarily travel in the performance of his duty, which shall be paid by the association by him examined.

SEC. 19. That every association formed under the provisions of this act shall make to the Auditor of State not less than five reports during each and every year, according to the form which may be prescribed by him, verified by the oath or affirmation of the

President or Cashier or other managing agent of such association, which report shall exhibit in detail and under appropriate heads the resources and liabilities of the association at the close of business on any past day to be by him specified, and shall transmit such report to the said Auditor within five days after the receipt of a request or requisition therefor from him; and the report of each association above required, in the same form in which it is made to the Auditor, shall be published in a newspaper published in the place where such association is established, or if there be no newspaper in the place, then in one published nearest thereto in the same county, or an adjoining county, at the expense of the association, and such proof of publication shall be furnished as may be required by the said Auditor. And the said Auditor shall have power to call for special reports from any particular association whenever in his judgment the same shall be necessary in order to a full and complete knowledge of its condition.

Any association failing to make and transmit any such report shall be subject to a penalty of one hundred dollars for each day after five days that such bank shall delay to make and transmit any such report as aforesaid, to be recovered in any court having jurisdiction in an action instituted by the Auditor of State, on the relation of the State of Indiana, and when so recovered shall be placed into the Treasury of State on account of the general fund.

Amend said bill further by changing the number of the emergency section from 18 to 20.

House bill No. 100—a bill in relation to the laying out, opening, widening, altering and vacating of streets, alleys and highways, and for cleaning, or altering water courses by the cities of this State, &c.

I am also directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled acts, to-wit:

Senate Joint Resolution No. 5—a Joint Resolution to make temporary provision for the public printing.

Enrolled Senate act No. 159—an act to provide for the submission to the qualified electors of this State, for their ratification or

rejection, a proposed amendment to the Constitution of Indiana therein mentioned, and declaring an emergency.

And the same are herewith returned to the Senate.

REPORTS FROM STANDING COMMITTEES.

Mr. Taylor submitted the following report.

MR. PRESIDENT :

The Committee on Finance have had Engrossed House bill No. 64, entitled "A bill making the first day of January, the fourth day of July, the twenty-fifth day of December, Thanksgiving and the days of the General election, State and Presidential, holidays, and to regulate the maturity of commercial paper falling due on said days under consideration and the majority of said committee recommend that said bill be amended as follows, viz.: By striking out the word "previous" at the end of section one, and insert the word "following" and when so amended recommend that the bill do pass.

Which was concurred in.

Mr. Taylor submitted the following report.

MR. PRESIDENT :

The Committee on Finance have had Engrossed House bill No. 162, entitled, "A bill to authorize the council of any city in this State to correct erroneous listing, description, and assessment of any property for taxes, and collect the taxes thereon under consideration, and recommend that the bill do pass.

Which was concurred in.

Mr. Steele submitted to following report.

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred Senate bill 189, entitled, "A bill to amend section 648 of the practice act, have authorized me to report that they have had the same under

consideration and that they return the same with the recommendation that it do pass.

Which was concurred in.

Mr. Steele submitted the following report.

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred Senate bill No. 203, entitled, "An act authorizing the appointment of resident trustees to receive and manage trust funds held in other states and belonging to persons residing in this State, report they have had the same under consideration, and I am directed by said committee to return the same to the Senate and recommend that said bill do pass.

Which was concurred in.

Mr. Steele submitted the following report.

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred Senate bill No. 184, entitled, "A bill concerning the granting of pardons by the Governor report that they have had the same under consideration, and I am authorized by a majority of said committee to return the same with the recommendation that it lay upon the table.

Which was concurred in.

Mr. Steele submitted the following report.

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred Senate bill No. 192, entitled, "An act to amend section five of an act entitled an act to exempt property from sale in certain cases," have authorized me to report that they have had the same under consideration, and they return said bill to the Senate with the recommendation that it do pass.

Which was concurred in.

Mr. Hall submitted the following report :

MR. PRESIDENT :

The Committee on Corporations have examined Engrossed House bill No. 71, and recommend its passage with the following amendments :

First. By inserting after the word "city" in line twenty the words "or subscribed stock to any bridge company organized under the laws of this or any other State, to construct a bridge across any river or water course, within or bordering on this State, where such bridge has its termini or either terminus within such city."

Second. By inserting after the word "roads" in the 23d line the words "or such bridge."

Third. By inserting after the word "roads" in the 31st line the words "or bridges."

Fourth. By inserting after the word "road," in the 33d line the words "or bridge."

Fifth. By inserting after the word "roads," in line 41 the words "or bridges."

Sixth. By inserting after the word "roads" in line 45 the words "or bridges."

Seventh. By inserting after the word "road" in line 58 the words "or bridge company."

Which was concurred in.

Mr. Hubbard submitted the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 121—a bill for an act to amend an act entitled "An act to authorize aid to the construction of railroads by counties and townships taking stock therein, and making donations to railroad companies," approved May 12, 1869, and declaring an emergency, have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend that it lie on the table.

Which was concurred in.

S. J.—17

Mr. Orr submitted the following report :

MR. PRESIDENT :

The Committee on Roads, to whom was referred Senate bill No. 212, entitled "An act to amend an amended act entitled an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved December 20, 1865, have had the same under consideration, and have directed me to report the same back, with the recommendation that it be indefinitely postponed.

Which report was concurred in.

Mr. Orr submitted the following report :

MR. PRESIDENT :

The Committee on Agriculture, to whom was referred Senate bill No. 195—"An act defining misdemeanors and declaring the penalty therefor," have had the same under consideration and beg leave to report the same back to the Senate, with the recommendation that it do pass.

Which was concurred in.

The President announced that he had signed enrolled act of the Senate No. 159, enrolled Joint Resolution of the Senate No. 5, Joint Resolution of the House No. 11, enrolled act of the House No. 302, and enrolled act of the House No. 301.

Mr. O'Brien submitted the following report :

MR. PRESIDENT :

The Committee on Public Printing, to whom was referred the message of the Governor, Indianapolis Sentinel Company, and certain State officers, on the subject of the State Printing, report that they have had the same under consideration, and return the same to the Senate, with the recommendation that the accompanying Joint Resolution be adopted.

Senate Joint Resolution No. 7—a joint resolution concerning the Public Printing.

Which report was concurred in.

Senate Joint Resolution No. 7—a joint resolution concerning the Public Printing.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Carnahan, Cave, Collett, Daugherty, Dittmore, Fuller, Friedley (of Scott), Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Sarnighausen, Scott, Slater, Sleeth, Steele, Stroud, Taylor and Thompson—34.

Mr. Friedley (of Lawrence) voting in the negative.

So the joint resolution passed.

The question being, shall the title as read stand as the title of the joint resolution?

It was so ordered.

ORDERED, That the Secretary inform the House of the passage of the joint resolution.

Mr. Hall submitted the following report:

MR. PRESIDENT:

The Committee on Rights and Privileges, to whom was referred House bill No. 50, entitled "An act to amend the fifth section of an act entitled an act to discourage the keeping of useless and sheep-killing dogs," etc., approved March 11, 1861, have had the same under consideration, and report the same back to the Senate with the recommendation that the following proviso be added at the close of the first section, to-wit: *Provided, however,* that after the payment of all claims allowed by said trustee, any balance of said fund shall remain in his hands, the same shall become a part of the special school fund of said township, etc., shall be used as the other special school funds of said township; and when so amended, they recommend the passage of said bill.

Which was concurred in.

Mr. Sarnighausen submitted the following report:

MR. PRESIDENT :

The Committee on Rights and Privileges, to whom was referred engrossed House bill No. 219, entitled "A bill to regulate the sale of drugs and medicines, and fixing penalties for violation of the same," have had the same under consideration, and have directed me to report it back, with the following amendments :

Section one, line 7, after the word "package" insert the words, "box or bottle." Section one, line 16, strike out the words "light colored" and insert in lieu thereof the word "white." Section one, line 22, after the words "cross-bones and skull" insert the words "in diagram," and if so amended the committee recommend that the bill do pass.

Which was concurred in.

Mr. Sarnighausen from the Committee on Rights and Privileges, made the following report :

MR. PRESIDENT :

Your Committee on Rights and Privileges to whom was referred petition in relation to collection of taxes, have had the same under consideration and direct me to report it back with the recommendation that it be indefinitely postponed.

Which was concurred in.

Mr. Sarnighausen from the Committee on Rights and Privileges made the following report :

MR. PRESIDENT :

Your Committee on Rights and Privileges to whom was referred Engrossed House bill No. 114, entitled, a bill to amend the first section of an act to authorize any person desiring to erect a flouring mill or other machinery to be propelled by water on his own land to make a race-way below such mill or machinery, through land belonging to other persons, and to regulate the damages therefor, approved March 1st, 1853, have had the same under consideration and direct me to report it back with the recommendation that it be laid on the table.

Which report was concurred in.

Mr. Hough, from the Committee on Right and Privileges, made the following report :

MR. PRESIDENT :

Your Committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill No. 222, have had the same under consideration, and have directed me to report the same back to the Senate, with the recommendation that section one of the same be amended as follows :

First. By striking out all between the word "any," in the third line and beginning of the fifth line, and inserting in lieu thereof, the following, to-wit: *Person owning or having the care, management or control.*

Second. By striking out the words "or tables," in fifth line, and inserting in lieu thereof the following, to-wit: *Bagatelle table or pigeon-hole table shall allow.*

Third. By inserting after the word "billiards," in line seven, the words *bagatelle or any other game.*

Fourth. By striking out all between the word "tables," in the eighth line, and the word "he," in the tenth line.

Fifth. By inserting after the word "shall" the words *for each game so allowed, suffered or permitted to be played.*

And that section two thereof be amended as follows :

First. By striking out all between the word "that," in the first line, and the word "of," in the second line, and inserting in lieu thereof the following, to-wit: "Any person owning or having the care, management or control."

Second. By striking out the words "keeping the same," in the third and fourth lines, and inserting in lieu thereof the words "bagatelle table or pigeon-hole table kept."

Third. By inserting after the word "table," in the eighth line the words "bagatelle table or pigeon-hole table."

Fourth. By striking out the word "are," in the beginning of the ninth line, and inserting in lieu thereof the words "may be."

Fifth. By inserting after the word "shall," in the ninth line" the words "for each offense."

And that Section three be amended as follows:

First. By striking out the word "such," in the third line, and inserting in lieu thereof the word "a."

Second. By striking out the words "or tables," in the third line and inserting in lieu thereof the words "bagatelle table or pigeon-hole table."

Third. By striking out the word "families," in the fifth line and inserting in lieu thereof the word "family."

And that the title of said bill be amended so as to read as follows, to-wit:

An act making it unlawful for persons owning or having the care, management or control of billiard tables, bagatelle tables, or pigeon-hole tables, to allow, suffer or permit minors to play at or upon the same, or to suffer or to permit minors to congregate at or about such tables; and that when so amended that the bill do pass.

Which report was concurred in.

Mr. Hough made the following report:

MR. PRESIDENT:

The Committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill No. 216, entitled "A bill to prevent minors from playing billiards and other games in tippling houses," have had the same under consideration, and have directed me to report the same back to the Senate, with the recommendation that it be laid on the table, for the reason that the object of said bill is provided for in Senate bill No. 224, the passage of which has been recommended by said Committee.

Which report was concurred in.

Mr. Howard submitted the following report:

MR. PRESIDENT:

The Committee on the Rights and Privileges of the Inhabitants

of the State, to whom was referred Senate bill No. 130, entitled "An act to establish a Sanitarium, and providing for the government thereof, repealing all conflicting laws, and declaring an emergency," have had the same under consideration, and report the same back with the following amendments, to-wit:

After the word "custody," in line eighteen, page ninety-six, insert the following: "The persons hereinafter specified;" and after the word "best," in the twenty-first line, page nine, insert "by the board of control," and when so amended, recommend its passage

Which was concurred in.

Mr Howard submitted the following report.

MR. PRESIDENT:

The Committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill 219, entitled "An act to provide for the construction and maintainance of fish ladders, and providing penalties for the violation of the same," have had the same under consideration, and report the same back with the following amendments, to-wit:

Strike out "Treasurer" in line sixteen, page two; also the words "of the" in line one, page three; also strike out all after the word "maintained" in line two, page three, to the end of section two; also strike out "Treasurer" in line three, page four; also strike out all after the word "same" in line four, page four, to the end of section four; and when so amended, the committee recommend its passage.

Which was concurred in.

Mr. Howard submitted the following report:

MR. PRESIDENT:

The Committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill No. 128, entitled "An act relative to the rights and powers of married women," have considered the same, and a majority of said committee have directed me to report the same back with a recommendation that it do pass.

Which was concurred in.

Mr. Hough submitted the following report:

MR. PRESIDENT:

The Committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill No. 117, entitled "An act regulating the granting of divorces, nullification of marriages and decrees and orders of courts incident thereto, and repealing all laws conflicting with this act, and declaring an emergency," have had the same under consideration and have directed me to report the same back to the Senate, with the recommendation that the same be amended as follows, to-wit:

By striking out all after the enacting clause, and inserting the following: That all marriages prohibited by law on account of consanguinity, affinities, difference of color, or where either parties thereto has a former wife or husband living, if solemnized within this State, shall be absolutely void without legal proceedings.

SEC. 2. The issue of a marriage, void on account of consanguinity, affinity, or difference of color, shall be deemed illegitimate and the father shall be liable to prosecution as in other cases of bastardy.

SEC. 3. When either of the parties to a marriage, void because a former marriage exists undissolved, shall have contracted such void marriage in the reasonable belief that such disabilities did not exist, the issue of such marriage, begotten before the discovery of such disabilities by such innocent parties, shall be deemed legitimate.

SEC. 4. For the purpose of evidence, any person or persons interested in the question of such legitimacy, may file their petition in the circuit or common pleas court, or superior court of any county in the State, where either of the parties to said marriage may reside, setting forth the facts and making defendants thereto, all persons interested in such question, and give such notice to said defendants as is by this act required to be given to the defendant on a petition for a divorce, and the court on hearing such petition shall decree such issue to be legitimate or illegitimate, as the facts may be, and from such decree an appeal may be taken to the Supreme Court, and when taken the case shall be governed by the same rules, and disposed of as other civil actions are in cases of appeal.

SEC. 5. Such decree as shall be finally rendered in cases provided for in the next preceding section, shall be conclusive between the parties thereto and those claiming under them, but any minor defendant may have the same revived at any time within one year after arriving at the age of twenty-one years.

SEC. 6. Parties against whom a judgment of divorce has been heretofore, or shall be hereafter rendered, without other notice than publication in a newspaper, may have the same opened at any time so far as relates to the care, support and custody of the children. Parties against whom a judgment of divorce shall hereafter be rendered without other notice than publication in a newspaper, may at any time within two years after the rendition of such judgment have the same opened and be allowed to defend, as well on the granting of the divorce, as in relation to the allowance of alimony and the disposition of property, and until the expiration of said two years it shall not be lawful for the party obtaining such divorce to marry again, which shall be stated in the decree of the court. Before any judgment shall be opened as above for any cause, the applicant shall file a statement of the causes relied upon and give such notice thereof as the court in term time, or the judge thereof in vacation shall require, and when the causes specified by such applicant relate to the granting of the divorce, alimony and dispositions of property, or of either of them, the applicant shall file an affidavit stating that during the pendency of the action, he or she received no actual notice thereof, in time to appear in court at the time of the trial of such action, and object to said judgment, and shall also pay such costs as the court may direct. Any property which may have been sold under any such judgment so sought to be opened and which shall have passed into the hands of a purchaser or purchasers, in good faith, shall not be affected by any proceedings consequent upon the opening of such judgment.

SEC. 7. Divorces may be decreed by the Superior, Circuit and Common Pleas Courts of this State, on petition filed by any person who at the time of the filing of such petition is and shall have been a *bona-fide* resident of the State for the last two years previous to the filing of the same, and a *bona-fide* resident of the county at the time of and for at least six months immediately preceding the filing of such petition, which *bona-fide* residence shall be duly proven by such petitioner to the satisfaction of the court

trying the same, by at least two witnesses who are resident freeholders and householders of the State.

SEC. 8. Divorces shall be decreed upon the application of the injured party for the following causes and no other.

First. Adultery, except as hereinafter provided.

Second. Impotency, existing at the time of marriage.

Third. Abandonment for two years.

Fourth. Cruel and inhuman treatment of either party by the other.

Fifth. Habitual drunkenness of either party for a period of three years.

Sixth. The failure of the husband to make reasonable provision for his family for a period of two years.

Seventh. The conviction subsequent to the marriage in any country of either party of an infamous crime.

SEC. 9. Divorces shall not be granted for adultery in any of the following cases :

First. When the offense has been committed with the connivance or consent of the party seeking the divorce.

Second. When the party seeking the divorce has voluntarily cohabited with the other with knowledge of the fact, or has failed to file his or her petition for two years after he or she had discovered the same.

Third. When the party seeking the divorce has also been guilty of adultery, under such circumstances as would have entitled the opposite party if innocent to a decree.

SEC. 10. A petition for divorce shall specify the causes therefor with certainty to a common intent.

SEC. 11. The clerk of the court in which such petition is filed shall issue a summons for the defendant to appear and answer said petition, which summons shall be personally served on said defendant if a resident of the State, either by reading or leaving a copy thereof at his or her usual place of residence, such usual place to be the residence of such defendant at the time the copy is so left.

SEC. 12. If it shall appear by the affidavit of a disinterested person that the defendant is not a resident of this State, the clerk shall give notice of the pendency of such petition by publication for three successive weeks in some weekly newspaper of general circulation, printed and published in such county, or if there be no such paper, then in one printed and published in this State nearest to the county seat of such county. *Provided*, That in counties having a daily paper published therein such notice shall also be published for a like length of time in such daily paper; *And provided further*, That the plaintiff shall, in case such notice is to be given by publication as aforesaid, before the same is given file his or her affidavit with the clerk, stating therein the residence of the defendant, if such residence be known to the plaintiff, and if such residence be unknown to the plaintiff, such affidavit shall so state, and in case such affidavit state the residence of the defendant, the clerk shall forward by mail to such defendant the numbers of the paper containing such notice, with the notice marked.

SEC. 13. The cause shall stand for issue and trial at the first term of the court after the summons has been personally served upon the defendant ten days or publication has been made thirty days before the first day of such term.

SEC. 14. • The defendant shall answer said petition under oath if required to do so by the petitioner, but no decree shall be rendered on default without proof, nor shall any admissions made in said answer be used as evidence in any other case against defendant, nor shall the denial under oath by the defendant of the facts alleged in the petition, render necessary any other or further proof by the complainant than would have been necessary if such denial had not been under oath.

SEC. 15. In addition to an answer, the defendant may file a cross-petition for divorce, and when filed the court shall decree the divorce to the party legally entitled thereto. If the original petition be dismissed after the filing of the cross-petition, the defendant may proceed to the trial of the cross-petition without further notice to the adverse party and the case upon such cross-petition shall in all things be governed by the same rules applicable to a case on an original petition.

Sec. 16. Witnesses may be examined in court or depositions taken, and used as in other civil actions at the option of the party offering the testimony, but this section shall not be construed to authorize the taking of depositions where the witnesses can be compelled to attend and testify as provided by law in other cases, unless the Judge for good cause shown, shall otherwise direct.

Pending a petition for divorce, the court or the judge thereof in vacation may make, and by attachment enforce, such orders for the dispositions of the persons, property and children of the parties as may be deemed right and proper, and such orders relative to the expense of such suit as will insure to the wife an efficient preparation of her case, and a fair and impartial trial thereof, and on decreeing a divorce in favor of the wife, or refusing one on the application of the husband, the court shall, by order, to be enforced by attachment, require the husband to pay all reasonable expenses of the wife in the prosecution or defense of the petition when such divorce has been granted or refused. *Providing*, that such orders shall be made under the same rules and regulations, and upon such notice as restraining orders and injunctions are granted in other civil actions, except that no bond shall be required of either party.

Sec. 18. A divorce granted for misconduct of the husband shall entitle the wife to the same rights, so far as her real estate is concerned, that she would have been entitled to by his death.

Sec. 19. A divorce decreed on account of the misconduct of the wife shall entitle the husband to the same rights, so far as his real estate is concerned, as he would have been entitled by her death.

Sec. 20. The court shall make such decree for alimony in all cases contemplated by this act as the circumstances of the case shall render just and proper, and such decree for alimony heretofore made or hereafter made, shall be valid against her husband, whether asked for in the petition or given by the judge in default.

Sec. 21. The court decreeing a divorce shall make provision for the guardianship, custody, support and education of the minor children of such marriage.

Sec. 22. The decree of alimony to the wife shall be for a sum in gross, and not for annual payments; but the court, in its discretion, may give a reasonable time for the payment thereof by installments, on sufficient surety being given, and in all cases where alimony has been thus given by installments, or may hereafter be

given, and the security required shall not be given within thirty days from the date of such decree, then the whole amount of such alimony shall become due and payable the same as if no such installments have been mentioned in the decree.

SEC. 23. The divorce of one party shall fully dissolve the marriage contract as to both.

SEC. 24. A divorce decreed in any other State by a court having jurisdiction thereof, shall have full effect in this State.

SEC. 25. When either of the parties to a marriage shall be incapable, from want of age or understanding of contracting such marriage, the same may be declared void on application of the incapable party by any court having jurisdiction to decree divorces; but the children of such marriage, begotten before the same is annulled, shall be legitimate; and in such cases the same proceedings shall be had as is provided in applications for divorce.

SEC. 26. Whenever a petition for divorce remains undefended, it shall be the duty of the proper Circuit or District Prosecuting Attorney to appear and resist such petition.

SEC. 27. The act approved May 13, 1852, on the subject of divorces, and the act approved March 4, 1859, amendatory thereof, are hereby repealed, but the repealing thereof shall abate no suits commenced under said acts, but the same may be prosecuted and defended under this act.

SEC. 28. An emergency for the immediate taking effect of this act, the same shall therefore be in force from and after its passage, and that when so amended that the bill do pass.

Which report was concurred in.

Mr. Hough submitted the following report :

MR. PRESIDENT :

Your Committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill No. 154, entitled "An act to amend the seventh section of an act regulating the granting of divorces," have had the same under consideration, and have directed me to report the same back to the Senate with the recommendation that the same be laid on the table for the reason that the object of said bill is provided for in Senate bill No. 117,

the passage of which with amendments the committee has recommended.

Which report was concurred in.

Mr. Harney submitted the following report :

MR. PRESIDENT :

The Committee on Finance, to whom was referred the communication of his Excellency the Governor in reference to cancelling certain bonds of the State, to be redeemed by the Treasurer of State, have had the same under consideration, and have directed me to report the following joint resolution, and recommend its passage :

Senate Joint Resolution No. 8—a joint resolution providing for the manner of marking and cancelling certain bonds and coupons attached thereto, which may be redeemed by the Treasurer of State.

The question being, shall the joint resolution pass ?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Carnahan, Cave, Collett, Daugherty, Dittemore, Dwiggins, Fuller, Friedley (of Scott), Friedley (of Lawrence), Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Taylor and Thompson—37.

No Senator voting in the negative.

So the Senate Joint Resolution passed.

Mr. Dittemore moved to reconsider the vote on the passage of the joint resolution.

Which was agreed to.

Mr. Taylor moved to recommit Senate Joint Resolution No. 8 to the Committee on Finance.

Mr. Thompson demanded the previous question, which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being on the motion of Mr. Taylor to recommit Senate Joint Resolution No. 8 to the Committee on Finance.

It was agreed to.

Message from the Governor by Samuel R. Downey, his Private Secretary :

MR. PRESIDENT :

By direction of the Governor I have the honor to transmit a communication from his Excellency, submitting for your consideration an act of Congress authorizing the erection of a public building at Evansville, Indiana, and his recommendation relative thereto :

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, JANUARY 28, 1873. }

GENTLEMEN OF THE SENATE :

I submit a copy of the act of Congress entitled "An act to authorize the erection of a public building at Evansville, Indiana," approved January 16, 1873, and call your attention to the proviso making it a condition of the expenditure of the appropriation thereby made that this State "shall duly release and relinquish its right to tax the site and property of the United States" that may be obtained and constructed by the use of the appropriation, and also that the State shall release its jurisdiction over the same. I recommend that the required release be made.

An act to authorize the erection of a public building at Evansville, Indiana.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and directed, to cause to be erected at Evansville, in the State of Indiana, a suitable brick building for the accommodation of the custom house, post office, United States Courts, and other offices of the United States, on plans to be determined by him, and at a cost, including the cost of the site thereof, of not exceeding two hun-

dred thousand dollars, and such site shall be of such extent as to leave the building independent and unexposed to fire from any adjoining buildings. *Provided*, That no appropriation for this purpose shall be used or expended until a valid title to said site shall be vested in the United States, and until the State of Indiana shall duly release and relinquish its rights to tax said site and the property of the United States that may be and remain thereon, and its jurisdiction over the same. Approved January 16, 1873.

Mr. Taylor asked that Senate bill No. 46 be taken from the Committee on Finance and referred to the Committee on Education.

Which was agreed to.

MR. PRESIDENT :

The Committee on Enrolled Bills would respectfully report that they have presented this day to the Governor for his signature the following enrolled acts, to-wit :

Enrolled act No. 301, House of Representatives—an act to change the time of holding the Circuit Court of Bartholomew county at the summer term.

Enrolled act No. 302, House of Representatives—an act fixing the time of holding the Common Pleas Court in the county of Bartholomew.

Enrolled Joint Resolution of the House of Representatives No. 11—a joint resolution directing a settlement with the State Printer.

MR. PRESIDENT :

The Joint Committee on Enrolled Bills would respectfully report that they have this day presented to the Governor for his signature the following enrolled acts, to-wit :

Enrolled act of the Senate No. 159, entitled, An act to provide for the submission to the qualified electors of this State for their ratification or rejection, a proposed amendment to the constitution of Indiana therein mentioned and declaring an emergency.

Messrs. Dittemore and Thompson demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Collett, Dwiggins, Fuller, Friedley (of Scott), Harney, Haworth, Hough, Howard, Hubbard, Miller, Neft, O'Brien, Orr, Rhodes, Sarnighausen, Stroud and Taylor—21.

Those who voted in the negative were, Messrs. Bird, Carnahan, Cave, Daugherty, Dittemore, Friedley (of Lawrence), Gooding, Gregg, Hall, Oliver, Scott, Slater, Smith, Steele and Thompson—15.

So the motion to lay on the table was agreed to.

Mr. Daggy asked and obtained leave of absence until to-morrow.

The Committee on Fees and Salaries was granted leave of absence until to-morrow.

Mr. Dittemore moved that the Senate do now adjourn.

Which was agreed to.

AFTERNOON SESSION.

Senate re-assembled 2 o'clock p. m.

Mr. Hough moved to take the resolution of Mr. Thompson in relation to newspapers, from the table and refer the same to a select committee of three, with instructions to report a resolution instructing the Doorkeeper to rescind all contracts for newspapers for use of Senators.

Mr. Dwiggins demanded a call of the Senate.

Those who answered to their names were, Messrs. Armstrong, Beeson, Bird, Boone, Carnahan, Dwiggins, Fuller, Friedley (of Scott,) Friedley (of Lawrence,) Gregg, Hall, Harney, Hough, Howard, Hubbard, Miller, Orr, Sarnighausen, Scott, Slater, Smith, Stroud and Thompson—23.

Mr. Williams asked and obtained leave of absence indefinitely.

Mr. Gooding asked and obtained leave of absence indefinitely.

Mr. Carnahan moved that the Senate adjourn.

Which was not agreed to.

Mr. Fuller moved to dispense with further proceedings under the call.

Which was agreed to.

Mr. Dwiggins demanded a call of the Senate.

Those who answered to their names were, Messrs. Armstrong, Beeson, Bird, Boone, Carnahan, Cave, Collett, Daugherty, Dittmore, Dwiggins, Fuller, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gregg, Hall, Harney, Haworth, Hough, Howard, Miller, O'Brien, Orr, Sarnighausen, Scott, Slater, Smith, Stroud and Thompson—29.

Mr. Beardsley asked and obtained leave of absence indefinitely.

Mr. Brown asked and obtained leave of absence indefinitely.

Mr. Fuller moved that the Senate do now adjourn.

Which was agreed to.

G. W. FRIEDLEY,
President of the Senate.

WEDNESDAY MORNING.

JANUARY 29, 1873, 10 o'clock.

Senate met.

Prayer by the Rev. Dr. Bayless.

Pending the reading of the journal of yesterday, on motion by Mr. Gregg, the further reading thereof was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. O'Brien presented a remonstrance from sundry citizens of Cicero, Indiana, in regard to legalizing the action of the trustees of the town of Cicero, Indiana. Mr. Hall moved to lay the remonstrance on the table.

Which was agreed to.

Mr. Thompson presented an account from Murphy & Johnson, amounting to \$41.70.

Which was referred to the Committee on Claims without reading.

Mr. Haworth presented a memorial from sundry citizens of Hendricks county, asking that more stringent laws be enacted regarding divorces.

Which was referred to the Committee on Rights and Privileges.

Mr. Hubbard presented the following petition from sundry citizens of St. Joseph county, Indiana, regarding the sale of intoxicating liquors.

Which was referred to the Committee on Temperance.

Mr. Orr presented a claim in favor of Geo. W. McGaw for services as witness in Benson case.

Which was referred to the Committee on Claims without reading.

REPORTS OF STANDING COMMITTEES.

Mr. Boone submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary to whom was referred House bill No. 170—"A bill to amend sections 157 and 164 of an act to revise, simplify and abridge the rules, practice, pleadings and forms, in civil cases in the courts of this State, to abolish distinct forms of action at law, &c., approved June 18th, 1852," have had the same under consideration and have instructed me to report the

same back with the accompanying amendments proposed by the Committee.

First. Amend as follows. Strike out from the word "which," in the 13th line of section 1, to the word "absence" in the 24th line of said section, both words inclusive.

Second. Also in section 2, strike out all after the word "which" in the 5th line, to the word "plaintiff," both words inclusive.

Third. After the word "or," in 21st line section 2, insert the word "legal," and when so amended the committee recommend that the bill do pass.

Which report was concurred in.

Message from the House, by Mr. Nixon, clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the following Concurrent Resolution of the Senate, to-wit :

WHEREAS, By the charter of the Buffalo and Mississippi Railroad Company, approved February 6th, 1835, it was provided in section 25 "that when the aggregate amount of dividends declared shall amount to the full sum invested, and ten per cent. per annum thereon, the Legislature may so regulate the tolls and freight that no more than fifteen per cent. per annum shall be divided on the capital employed, and the surplus profits, if any, after paying the expenses, and using such proportion as may be necessary for future contingencies, shall be paid over to the Treasurer of State for the use of common schools; but the corporation shall not be compelled by law to reduce the tolls and freights so that a dividend of less than twenty-five per cent. cannot be made, and it shall be the duty of the corporation to furnish the Legislature, if required, a correct statement of the amount of expenditures, and the amount of profits, after deducting all expenses, which statement shall be made under the oath of the officers whose duty it shall be to make the same." And

WHEREAS, No such statement has ever been made to the General Assembly of Indiana; therefore, be it

Resolved by the Senate, (the House of Representatives concurring therein,) That said corporation be required to furnish this General Assembly, during the present session, a correct statement, properly verified, of the following matters, namely:

1st. The amount of expenditures of such corporation.

2d. The amount actually expended in the construction of the road by said corporation.

3d. The amount of freights of such corporation, after deducting all expenses.

Be it further resolved, That His Excellency the Governor of this State be and he is hereby requested to forward a copy of this resolution, properly authenticated, to the President of the Lake Shore and Michigan Southern Railroad Company, *Provided*, that nothing herein contained shall be construed as recognizing the legal existence of said corporation, or waiving any forfeiture by it.

I am also directed to inform the Senate that the House has passed the following engrossed bills thereof, to-wit:

Engrossed Senate Joint Resolution No. 7—a joint resolution concerning public printing.

Engrossed House Joint Resolution No. 12—a joint resolution in relation to giving notice to the electors of the State of Indiana of the submission to the same, for their adoption or rejection, the proposed amendment to the Constitution of Indiana in relation to the debt charged upon the Wabash and Erie Canal.

Engrossed House bill No. 208—a bill to legalize the official acts of the several boards of trustees of the town of Mooresville, Morgan county, Indiana, and to legalize the acts of the incorporation thereof, and all other officers of said corporation under “An act for the incorporation of towns, defining their powers, providing for the election of officers thereof,” and declaring their duties, approved June 11th, 1852, &c.

Engrossed House bill No. 245—a bill to provide for the paroling of prisoners who may be confined in any county jail for the non-

payment of fines which may have been adjudged against them upon conviction of public offences.

Engrossed House bill No. 330—a bill supplemental to an act fixing the per diem and mileage of members of the General Assembly, and providing that they shall provide their own stationery," approved December 19th, 1872.

Engrossed House bill No. 46—a bill to prevent the obstructing of ditches, drains, and running streams, and prescribing penalties for the violation of the provisions of this act.

Engrossed House bill No. 332—a bill to authorize the enlargement of the House of Refuge for juvenile offenders, and making appropriations therefor, and declaring an emergency to exist.

Engrossed House bill No. 314—a bill to prevent negligent or careless riding or driving on public highways.

And the same are herewith transmitted to the Senate for its action thereon.

I am also directed to inform the Senate that the House has concurred in the amendments of the Senate to House bill No. 297, entitled "A bill supplemental to an act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies," approved May 12, 1869.

Mr. Boone, from the Committee on the Judiciary, submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred House bill No. 214—a bill to amend sections twenty-five and twenty-six of an act regulating descents and the apportionment of estates, approved May 14, 1852, have had the same under consideration and directed me to report the same back with a recommendation that it lie upon the table.

Which was concurred in.

Mr. Boone, from the Committee on the Judiciary, submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred House bill No. 265—a bill defining professional prostitution, and prescribing punishment therefor, and prescribing certain rules of evidence in prosecutions for such offenses, have had the same under consideration, and have instructed me to report the same back with the accompanying amendments, and when so amended to recommend its passage:

Amend section one, by adding after the word "be," in the thirteenth line, the words "deemed guilty of a misdemeanor and be."

Amend section two, by striking out of the fifth and sixth lines the words "a house generally known in the neighborhood;" also strike out the words "sufficient evidence to authorize a conviction" and insert the words "*prima facie evidence of guilt.*"

Which was concurred in.

Mr. Boone submitted the following report from the Committee on the Judiciary:

MR. PRESIDENT:

The Committee on the Judiciary to whom was referred Senate bill 185—a bill to authorize judges of circuit courts and courts of common pleas to grant injunctions in actions pending in counties adjoining such circuit or district, when both of the Judges of the circuit court and court of common pleas of such county are disqualified from hearing such motions; to authorize the clerk of the circuit court to grant temporary restraining orders," have had the same under consideration and instructed me to report the same back with the accompanying amendments and when so amended to recommend its passage.

Senate bill No. 185. First. Amend by striking out the preamble.

Second. Amend section one by striking out the word "incompetent" in the fourth and fifth lines of said section, and insert the word "disqualified."

Third. Strike out the word "incompetency" in the fourteenth line of said section and insert in lieu thereof the word "disqualification."

Fourth. Add to section one the following: Provided that no such clerk, the circuit or common pleas judges of an adjoining circuit or district, shall entertain any such motion unless the party applicant shall allege in his complaint or motion, supported by affidavit or oath, the specific cause or causes of disqualification of the circuit or common pleas judges of the proper county circuit or district to hear and determine such motion and grant or refuse such injunction or restraining order.

Which was concurred in.

Mr. Boone submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred Senate bill No. 214—"A bill declaring any person who is in the habit of becoming intoxicated, inelligible to hold any office of public trust, &c., have had the same under consideration and have instructed me to report the same back with a recommendation that the same do lie on the table.

Which report was concurred in.

Mr. Armstrong submitted the following report :

MR. PRESIDENT :

The Committee on Education to whom was referred Senate bill No. 202, entitled, "A bill to amend sections seven and nine of an act to provide for a general system of public schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6th, 1865,

have had the same under consideration and have directed me to report the same back to the Senate and recommend its passage.

Which report was concurred in.

Mr. Fuller submitted the following report:

MR. PRESIDENT :

The Committee on Education to whom was referred Senate bill No. 179, entitled, "An act to amend section seven of an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and prescribing the fees of certain officers therein named and for the establishment and regulation of township libraries, and to repeal all laws in conflict therewith providing penalties therein prescribed, have had the same under consideration and directed me to report the same back with the recommendation that it be laid on the table, for the reason that the object sought to be obtained is embodied in Senate bill No. 202.

Which was concurred in.

Mr. Orr, from the Committee on Roads, submitted the following report :

MR. PRESIDENT :

The Committee on Roads, to whom was referred Senate bill No. 209, entitled "An act authorizing plank, Macadamized and gravel road companies, with the concurrence of township trustees, to levy a road tax in their respective districts," have had the same under consideration, and directed me to report the same back with the recommendation that it lie on the table.

Which was concurred in.

Mr. Hubbard submitted the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred House

bill No. 128—a bill empowering the board of trustees of any incorporated town within this State to compel owners of lots to plant, maintain and protect shade trees within the same—have had the same under consideration, and respectfully recommend that section four of said bill be amended by inserting after the words “section four” the following: “such incorporated town shall have a lien for the expense of planting and maintaining such shade trees on the lot fronted thereby, which lien shall date from the time of the contract let for such improvement.”

Also the following amendment: Strike out the words “recover judgment,” in the ninth line of section four, and insert in lieu thereof the words “foreclose such lien.” And after such amendments your committee recommend the passage of such bill.

Which was concurred in.

Message from the Governor by Samuel R. Downey, his Private Secretary :

MR. PRESIDENT :

By the direction of the Governor I have the honor to transmit a communication and accompanying documents relative to the culture and increase of fish in the great lakes.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, January 29, 1873. }

GENTLEMEN OF THE SENATE :

I submit for your consideration a communication to myself from James W. Milner, Esq., Deputy United States Commissioner of Fish and Fisheries, in relation to measures by him deemed important for the increase of fish in the lakes upon the borders of this State. And I submit also a copy of a communication upon the same subject received from his Excellency John J. Bagley, Governor of Michigan, and a copy of a bill relative to fish culture, proposed in the House of Representatives of that State, to which I respectfully ask your attention :

UNITED STATES COMMISSION, FISH AND FISHERIES, }
 OFFICIAL BUSINESS,
 LANSING, MICH., January 20, 1873. }

To His Excellency the Governor of the State of Indiana:

There is a movement at Lansing, Michigan, very favorably received by the Governor of the State and the Legislature, and commanding the earnest attention of the Committee on Fisheries, in favor of restocking the lakes with white fish.

The method of artificial propagation so successfully employed by the Fish Commissioners of the Atlantic States in increasing the number of the shad, has been applied on quite a large scale by a fish culturist in Michigan with very favorable results, and the State is expected to make an appropriation early this session to be expended in propagation.

There is a feeling that if this work on the upper lakes be inaugurated by the State of Michigan, that other States bordering on the same waters should take similar action, as the expenditure in this direction by any one State must, to a considerable extent, benefit the others. Anticipating favorable action on the part of other States, there will be a clause in the bill presented to the Legislature referring the authority for arranging concurrent action with other States to the Governor of Michigan.

The fisheries of the lakes are an industrial interest of considerable commercial value, the sales at the nine largest markets of the lakes amounting to over two millions of dollars. The fact that good fishes are decreasing is very apparent, and a small outlay of money in the direction proposed will not only arrest the decrease but restore them to their original numbers, and even more. It was suggested to me as representing the General Government in this interest that I should solicit the attention of other States in this matter, and it is hoped that the subject may excite your favorable interest.

Yours, respectfully,

[Signed.]

JAMES W. MILNER,
 Deputy United States Commissioner.

At Smithsonian Institute, Washington, D. C.

STATE OF MICHIGAN, EXECUTIVE OFFICE, }
 LANSING, January 21st, 1873. }

Hon. Thomas A. Hendricks, Governor of Indiana:

DEAR SIR:—I enclose herewith a copy of a proposed bill rela-

tive to fish-culture. As your State borders on our lakes, of course any expenditure of money by our people in placing fish in the great lakes, would benefit your people proportionately as much as it would ours.

Would it not be wise and proper that your Legislature should take some favorable action on the subject?

Again, if all the States bordering upon the lakes should act together and in concert, the joint appropriation would accomplish much more than if expended separately. You will see by the last section of the bill that we have made provisions for acting with other States, if they take any action on the subject.

I write this rather unofficially, and more to show you our desire to co-operate with our neighbors than for any other reason.

I send a copy of this to the Governors of Illinois, Wisconsin and Ohio.

Respectfully yours,

JOHN S. BAGLEY.

A bill to establish a Board of Commissioners to increase the product of the fisheries, and to make an appropriation therefor:

SECTION 1. *The People of the State of Michigan enact*, It shall be the duty of the Governor, by and with the concurrence of the Senate, to appoint three Commissioners of Fisheries of the State, who shall hold their offices respectively two, four and six years under the first appointment, and one to be appointed every two years thereafter, and said Commissioners' term of office shall expire on the 31st day of December, biennially, unless sooner removed for sufficient cause.

SEC. 2. All vacancies occurring in said Board of Commissioners, in the interim of the Senate, shall be filled by the Governor of the State appointing Commissioners *pro tem*.

SEC. 3. It shall be the duty of said Commissioners to provide for the artificial propagation of white fish and such other species of food-fishes as they may select for distribution in waters under the jurisdiction of this State, by constructing two fish-breeding establishments,—one in the Eastern and one in the Western part of the State, at such points as they may select—and to employ the necessary labor to conduct the same, and take such other measures toward improving the fisheries of the State as they may

deem advisable to carry out the true intent and meaning of this act, at an expense, however, not to exceed the sum hereinafter appropriated.

SEC. 4. It shall be the duty of the Board of Commissioners to report annually on the condition of the fisheries of the State and all other matters under their charge.

SEC. 5. The said Commissioners may take or cause to be taken any fish in any manner or at any time, for purposes connected with fish-culture or with scientific observation.

SEC. 6. The said Commissioners shall, respectively, be entitled, as full compensation for their services, to the sum of three dollars per day, together with all necessary traveling expenses, while engaged in the prosecution of their duties.

SEC. 7. The sum of ten thousand dollars is hereby appropriated for the year of 1873, and a like sum for the year 1874, for their necessary expenses in carrying this act into effect, which the Treasurer shall pay to them on the warrant of the Auditor-General, from time to time, as their vouchers for such expenses shall be exhibited and approved.

SEC. 8. In case appropriations by other States contiguous to the waters of the State of Michigan, shall be made, a disposition for a joint action with the State of Michigan be expended, it shall devolve upon the Governor to communicate and arrange the action for the said Commissioners with the Governors of said States.

Mr. Orr submitted the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred House bill No. 211—"An act providing for the payment to the township trustees of all moneys which shall have been collected from a township for special and specific purposes, and providing penalties for the violation of the provisions of this act," have had the same under consideration, and have instructed me to report the same back, with the recommendation that the bill lay on the table.

Which report was concurred in.

Mr. Hubbard submitted the following report:

MR. PRESIDENT:

The Committee on Rights and Privileges, "who were instructed by resolution of the Senate at the special session to obtain from the clerks of the Circuit and Common Pleas Courts of the various counties of this State, information tending to show the length of terms and business of said courts for the year 1872, addressed circular letters to all of said clerks, to which circular letters fifty-eight clerks have responded, giving the desired information, which your committee have placed in tabular form, and ask that the same be referred to the Committee on the Organization of Courts.

Which was concurred in.

Mr. Beeson submitted the following report:

MR. PRESIDENT:

The Committee on Reformatory Institutions, to whom was referred House bill No. 210—a bill to amend the twentieth section of an act approved May 13, 1869, and entitled "An act to establish a Female Prison and Reformatory Institution for Girls and Women, provide for the organization and government thereof and making appropriations," have had the same under consideration and have directed me to report the same back to the Senate, with the recommendation that it do pass.

Which was concurred in.

Mr. Beeson submitted the following report:

MR. PRESIDENT:

The Committee on Reformatory Institutions, to whom was referred Senate bill No. 131, entitled "An act supplemental to an act entitled 'an act to establish a Female Prison and Reformatory Institution for Girls and Women,' and to provide for the organization and government thereof, and making appropriations," approved May 13, 1869, have had the same under consideration, and direct me to report the same back to the Senate with the recommendation that it lie upon the table, from the fact that a similar bill from the House is upon its third reading in the Senate.

Which was concurred in.

The President laid before the Senate a communication from the Secretary of State.

Which was referred to the Committee on Public Printing.

Mr. Dwiggins submitted the following report from the Committee on Banks:

MR. PRESIDENT:

The Committee on Banks, to whom was referred engrossed House bill No. 198—a bill to amend sections fifteen, nineteen, thirty-one and forty-nine of an act approved May 12, 1869, providing for the organization of savings banks, have had the same under advisement, and have directed me to make the following report:

Amend the bill by striking out all after the word "assembly," in line two on page two, to the word "that," in line three on page seven.

Also amend by adding after the word "dividends," in line seven on page fifteen, these words—"provided the same shall not exceed the rate of six per cent. per annum."

Also amend by striking out the words "fifteen hundred," in line seven on page eighteen, and insert in lieu thereof the words "one thousand."

Also amend by striking out the word "with," in line ten on page nine, and insert in lieu thereof the word "worth."

Also strike out the word "his," in line seven on page ten, and insert "this."

Also strike out the word "larger," in line one on page fifteen, and insert the word "longer."

And when the bill is so amended, the committee recommend that the same do pass.

Which was concurred in.

Mr. Dwiggins submitted the following report:

MR. PRESIDENT:

The Committee on Banks to whom was referred Senate bill No 109, entitled, "An act to amend section thirty-one of an act providing for the organization of Savings Banks," approved May 12th 1869, have had the same under consideration, and by request of

the authors of the bill the committee report the bill back with a recommendation that the same do lie on the table, as the subject matters of the same is embodied in House bill No. 198.

Which was concurred in.

Mr. Collett submitted the following report from the Committee on Agriculture.

MR. PRESIDENT :

The Committee on Agriculture to whom was referred Senate bill No. 174, an act defining certain misdemeanors and prescribing punishment therefor, authorize me to report the same back recommending the following amendment: Strike out all after the word "Exhibition" in the sixth line including the seventh line, and when this is done recommend that the same do pass.

Which was concurred in.

Mr. Collett submitted the following report :

MR. PRESIDENT :

The Committee on Agriculture to whom was referred Senate bill No. 218—a bill to encourage the destruction of foxes, have had the same under consideration and have directed me to recommend the following amendment, viz: In the fifteenth line strike out the word "two" and insert "one" and when so amended the committee recommend that the bill do pass.

Which report was concurred in.

Mr. Steele submitted the following report :

MR. PRESIDENT :

The Committee on Judiciary to whom was referred Senate bill No. 218, entitled, "A bill to amend section 208 of an act entitled "An act to revise, simplify and abridge the rules of practice &c., in the courts of Indiana, report that they have had the same under consideration, and I am instructed by said committee to return the same with the recommendation that it do pass.

Which was concurred in.

Mr. Steele submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred House bill No 112, entitled, "A bill to render wives competent to testify in actions brought for injuries done to them, report that they have had the same under consideration, and I am instructed by said committee to return the same with the recommendation that it do pass.

Which was concurred in.

Mr. Steele submitted the following report from the Committee on Judiciary :

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred House bill No. 26, entitled, "A bill to amend section nine of an act entitled 'An act providing for the election of Justices of the Peace and defining their jurisdiction, powers and duties in civil cases,' approved June 9th, 1852, and repealing all laws and parts of laws in conflict therewith, report that they have had the same under consideration and I am authorized by said committee to return the same with the recommendation that it lay upon the table.

Which was concurred in.

Mr. Steele submitted the following report from the Committee on the Judiciary :

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred House bill No. 171, entitled, "An act prescribing the manner of selecting petit jurors for the Circuit and Common Pleas Courts, report that they have had the same under consideration and I am instructed by said committee to return the same with the recommendation that it lay upon the table.

Which was concurred in.

Mr. O'Brien offered the following :

S. J.—19

Resolved, That the Committee on Expenditures be, and they are hereby instructed to inquire how many janitors, not in the service of the General Assembly, are employed about the State House or public offices of the State, and the amount paid each, by and under what law or authority they are paid, and whether the services of any might be dispensed with without detriment to the public service.

Which was adopted.

INTRODUCTION OF BILLS.

Mr. Gregg introduced Senate bill No. 256—a bill to prohibit certain officers from using free passes over railroads.

Which was read a first time.

Mr. O'Brien introduced Senate bill No. 257—a bill concerning public printing, repairs of public buildings or property, and rents of property for the State.

Which was read a first time.

Mr. Fuller introduced Senate bill No. 258—a bill to prevent betting on elections and providing punishment for the same.

Which was read a first time.

Mr. Orr introduced Senate bill No. 259—a bill requiring parents' guardians, and other persons having the care and custody of children to send the same to school and providing penalty for neglect thereof.

Which was read a first time.

Mr. O'Brien introduced Senate bill No. 260—a bill fixing the annual salary of the Adjutant General and Quartermaster General of the State of Indiana, and declaring an emergency.

Which was read a first time.

Mr. Glessner introduced Senate bill No. 261—a bill to amend section one of an act entitled "An act to amend the thirty-third section of an act entitled an act to revise, simplify and abridge the

rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18th, 1852, approved March 9, 1861.

Which was read a first time.

Mr. Daugherty introduced Senate bill No. 262—a bill to change the time of holding the circuit court in Huntington county, Indiana.

Which was read a first time.

Mr. Daugherty moved to suspend the constitutional rule requiring bills to be read on three several days, and read Senate bill No. 262 a second time, and consider the same engrossed, and that it be read a third time now.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Brown, Bunyan, Carnahan, Cave, Collett, Daugherty, Dittemore, Dwiggins, Friedley (of Lawrence,) Glessner, Gooding, Gregg, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Sarnighausen, Scott, Sleeth, Smith, Steele, Stroud, Taylor and Thompson—35.

No Senator voting in the negative.

So the rule was suspended.

Senate bill No. 262—a bill to change the time of holding the circuit court in Huntington county, Indiana.

Which was read a second time and considered engrossed.

Senate bill No. 262—a bill to change the time of holding the circuit court in Huntington county, Indiana.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Brown, Bunyan, Carnahan, Cave, Collet, Daugherty, Dittemore, Dwiggins, Friedley (of Lawrence,)

Glessner, Gooding, Gregg, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Sarnighausen, Scott, Sleeth, Smith, Steele, Stroud, Taylor and Thompson—36.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Bird introduced Senate bill No. 263—a bill authorizing married women to sell and convey certain interests in real estate and regulating rights connected therewith.

Which was read a first time.

The President laid before the Senate an invitation from the Superintendent of the Blind Asylum to attend a concert.

Which was accepted.

Mr. Gooding introduced Senate bill No. 264—a bill to amend the 4th, 5th, 26th, 35th, 43d, and 58th, sections of an act entitled, "An act granting to the citizens of the town of Evansville, in the county of Vanderburg, a city charter," approved January 27th, 1847.

Which was read a first time.

MESSAGES FROM THE HOUSE.

The concurrent resolution of the House in regard to the title of certain real estate lying between Washington and Ohio, and Tennessee and Mississippi streets, in the city of Indianapolis, &c., was taken up, and adopted.

ORDERED: That the Secretary inform the House of the adoption of the concurrent resolution.

The concurrent resolution of the House in regard to the

appointment of a committee to draft and report amendments to the Constitution of the State, was taken up.

Mr. Smith demanded the previous question, which was seconded by the Senate.

The question being shall the main question be now put?

It was so ordered.

The question being on the adoption of the resolution,

It was adopted.

ORDERED: That the Secretary inform the House of the adoption of the concurrent resolution.

The concurrent resolution in regard to donation of statutes to the Law Institution of the city of Chicago, &c., was taken up.

Mr. Harney moved to amend by striking out the word "Great" before the word "Indiana."

Which was agreed to.

The question recurring on the adoption of the resolution as amended,

It was adopted.

ORDERED: That the Secretary inform the House of the adoption of the concurrent resolution.

Mr. Steele submitted the following report from the Committee on the Judiciary:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred House bill No. 200—a bill to authorize and empower Boards of County Commissioners to equalize local county bounty to soldiers, to issue bonds or orders therefor, to levy and collect taxes for the redemption of such bonds or orders, declaring how such taxes may be collected, when such bonds or orders shall be issued, the time when they shall be paid, the rate of interest thereon, and legalizing such

as have been issued, and declaring an emergency—report that they have had the same under consideration, and I am authorized by a majority of the committee to report the same back, with the recommendation that the same do pass.

Which was concurred in.

On motion by Mr. Dittemore the Senate took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

Senate reassembled 2 o'clock P. M.

Pending adjournment, messages from the House being under consideration,

Engrossed amendments of the House to Senate bill No. 2 were taken up.

Mr. Glessner moved to concur in the engrossed amendments of the House.

Which was agreed to.

ORDERED: That the Secretary inform the House of the concurrence of the Senate in said amendments.

Engrossed House bill No. 100—a bill in relation to the laying out, opening, widening, altering and vacation of streets, alleys and highways, and for cleaning or altering of water-courses by the cities of this State, and providing for the appointment of commissioners to assess benefits and damages, prescribing their duties and the method of procedure and providing for the collection of benefits and payment of damages, and prescribing the duties of city officers in relation thereto, and providing remedies in such matters—was read a first time.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills have had enrolled Senate bill No. 297—an act supplemental to an act to authorize

aid to the construction of railroads by counties and townships taking stock, &c., &c.—under consideration, and find the same correctly enrolled.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed enrolled act (H. R.) No. 297, entitled "An act snpplemental to an act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies." Approved May 12, 1869.

And the same is herewith submitted to the Senate for the signature of the President thereof.

I am directed by the House to inform the Senate that the House has passed the following Joint Resolution, to-wit:

House Joint Resolution No. 13—a Joint Resolution instructing our Senators and requesting our Representatives in Congress to use their influence to secure the passage of a law regulating commerce between States, so as to compel railroad companies to equalize their charges for transportation, and the same is herewith subnitted to the Senate for its action thereon.

By unanimous consent of the Senate Mr. Steele introduced Senate bill No. 265—a bill regulating the compensation of county clerks and sheriffs, and prescribing punishment for the charging of illegal fees, and providing a remedy therefor, repealing all laws inconsistent therewith, and declaring an emergency.

Which was read a first time.

Mr. Rhodes moved to suspend the order of business and read Senate bill No. 265 a second time by title for reference.

Which was agreed to.

Senate bill No. 265—a bill regulating the compensation of county clerks and sheriffs and prescribing punishment for the charging of illegal fees, and providing a remedy therefor, repealing

all laws inconsistent therewith, and declaring an emergency.

Which was read a second time by title and referred to the Committee on Fees and Salaries.

The President announced that he had signed Enrolled Act of the House No. 297.

SPECIAL ORDER.

The hour of 2:30 o'clock p. m. having arrived, being the hour fixed for the consideration of Senate bill No. 9, the same was taken up.

Senate bill No. 9—a bill fixing the salaries of the Judges of the Supreme, Superior, Circuit, Criminal, and Common Pleas Courts of this State, providing how the salaries shall be paid, repealing all laws or parts of laws in conflict therewith, and declaring an emergency.

Which was read a second time.

Mr. Glessner moved to recommit the bill to the Committee on Fees and Salaries, with instructions to strike out that part of the bill which provides for the salary of Common Pleas Judges.

Mr. Slater offered the following amendment:

Amend by striking out all that part of the bill that refers to Common Pleas and Circuit Judges.

Mr. Dittemore moved to lay the motion of Mr. Glessner on the table.

Messrs. Gooding and Slater demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beeson, Bird, Collett, Daugherty, Dittemore, Dwiggin, Harney, Hough, Hubbard, O'Brien, Oliver, Rhodes, Scott, Smith, Steele, Taylor and Thompson—17.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Boone, Bunyan, Carnahan, Cave, Fuller, Francisco,

Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Haworth, Howard, Miller, Neff, Orr, Sarnighausen, Slater and Stroud—21.

So the motion to lay on the table was not agreed to.

Mr. O'Brien moved to lay the bill on the table.

Which was agreed to.

Engrossed House Joint Resolution No. 12—a joint resolution in relation to giving notice to the electors of the State of Indiana of the submission to the same, for their adoption or rejection, the proposed amendment to the Constitution of Indiana in relation to the debt charged upon the Wabash and Erie Canal, was taken up.

The question being, shall the joint resolution pass ?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bunyan, Carnahan, Collett, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Lawrence,) Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Sarnighausen, Scott, Slater, Smith, Steele Stroud, Taylor and Thompson—37.

No Senator voting in the negative.

So the joint resolution passed.

The question being, shall the title as read stand as the title of the joint resolution ?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the joint resolution.

Mr. Collett made the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled Bills would respectfully report that they have this day presented to the Governor, for his signature, engrossed House act No. 297, entitled an act supplemental to "an act to authorize aid to the construction of railroads

by counties and townships taking stock in and making donations thereto," and find the same correctly enrolled.

Message from the House, by Mr. Nixon, Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit :

House bill No. 333—a bill concerning the granting of divorces, and the same is herewith submitted to the Senate for its action thereon.

Engrossed House bill No. 146—a bill to prevent the obstructing of ditches, drains, and running streams, and prescribing penalties for the violation of the provisions of this act.

Which was read a first time.

Engrossed House bill No. 208—"a bill to legalize the official acts of the several boards of trustees of the town of Mooresville, Morgan county, Indiana, and to legalize the acts of the incorporation thereof, and all other officers of said corporation, under "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11th, 1852, and all by-laws, rules, regulations and proceedings adopted in pursuance thereof.

Which was read a first time.

Engrossed House bill No. 245—a bill to provide for paroling of persons who may be confined in any county jail for the non-payment of fines which may have been adjudged against them upon conviction of public offenses.

Which was read a first time.

Engrossed House bill No. 314—a bill to prevent negligent or careless riding or driving on public highways.

Which was read a first time.

Engrossed House bill No. 330—a bill for an act supplemental to

"An act fixing the per diem and mileage of members of the General Assembly, and providing that they shall provide their own stationery," approved Dec. 19th 1872.

Which was read a first time.

Engrossed House bill No. 332—a bill to authorize the enlargement of the House of Refuge for juvenile offenders, and making appropriations therefor, and declaring an emergency to exist.

Which was read a first time.

Senate bill No. 74—an act to legalize the acts and proceedings of Boards of County Commissioners in certain cases, and declaring an emergency.

Which was read a second time.

Mr. Rhodes offered the following amendment:

Provided, That the provisions of this section shall not apply to the proceedings of county boards after the March session of such boards in 1861.

Which amendment was adopted, and the bill ordered engrossed.

Senate bill No. 81—a bill to authorize the election of a county engineer and three road commissioners, and the appointment of an examiner of county engineers, and defining their qualifications and duties, and providing for the laying out, locating, changing and vacating, constructing, repairing and maintaining public highways, and for levying, collecting and expending road tax, and repealing all laws and parts of laws in conflict therewith.

Which was read a second time.

Mr. Collett moved to recommit the bill to the Committee on Roads, with instructions.

Which was agreed to.

Mr. Orr moved to suspend the order of business, and take up Senate bill No. 104.

Which was agreed to.

Mr. Orr offered the following amendment:

Strike out all after the enacting clause, and insert the following: That the above entitled act, approved May 14, 1869, be and the same is hereby repealed: *Provided, however*, that all companies organized under said act, and all rights acquired and acts done under its provisions, are saved from the effects of the repeal thereof, and all such companies may proceed to assess and collect benefits and complete the construction of their roads, under the provisions of said act as hereby amended as if it had not been repealed; *and provided further*, that when any assessments have or shall be made and the assessor shall fail or have failed to include, in the list of lands made out by them, all the lands liable to be assessed and required by said act to be included in such list, the assessment made by them against the lands included in such list shall not, for that reason, be illegal or void, but the assessors shall, from time to time, whenever notified by any person or corporation interested therein, proceed to assess the benefits against any tract or parcel of lands so omitted that is liable, and return the same as in the case of an original assessment, which assessments, when so made, shall be treated as an original assessment of the benefits to said tract or tracts: *and provided further*, that in all cases, when hereafter an action shall be brought in any court to enjoin or otherwise oppose the collection of any benefits assessed against any lands for the construction and maintainance of any such road, on account of any irregularity or defects in the proceedings, the court shall, on application of the proper party at any stage of the proceedings, permit an amendment thereof to correspond with the requirement of said act, and in all cases when assessments have heretofore been made, and any portion of such assessment have been paid and others have not, in case new assessments shall be made, the amount so paid on the old shall be credited on the new assessments against the same lands as if paid thereon, and shall be so treated by the treasurer in the collection of such assessments.

SEC. 2. Whereas, an emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

Mr. Glessner moved that the bill and amendments be recommitted to the Committee on Corporations.

Mr. Orr moved to amend by referring to Committee on the Judiciary.

Which was agreed to.

The question being on the motion as amended,

It was agreed to.

Mr. Slater asked and obtained leave of absence until to-morrow.

Senate bill No. 56—a bill to amend sections twenty-two and fifty-seven of an act entitled “An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties,” approved June 11th, 1852, which section was amended and approved March 2d, 1855, and declaring an emergency.

Which was read a second time and ordered engrossed.

Senate bill No 73—a bill to amend sections fifteen and sixteen of an act entitled “An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties,” approved June 11th, 1852 and providing for the election of the town marshall by the town trustees, and declaring an emergency.

Which was read a second time and ordered engrossed.

Senate bill No. 77—a bill to amend section 476 of an act entitled “An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity,” approved June 18th 1852.

Which was read a second time and ordered engrossed.

Mr. Brown moved that the Senate do now adjourn.

Which was not agreed to.

Senate bill No. 95—a bill to protect rivers, streams or bodies of water from which water is taken for the use of cities, towns, vil-

lages, or benevolent institutions, providing a remedy for a violation, and declaring an emergency.

Which was read a second time.

Mr. O'Brien moved to amend the bill by striking out the emergency clause.

Which was agreed to.

Mr. Glessner offered the following amendment:

Amend in line twenty, after the word "located." *Provided*, said water-works are located above the limits of the city; and *Provided further*, that the provisions of this act shall not apply to or in any way effect the owners of pork houses, manufacturing establishments and other like improvements heretofore erected.

On motion of Mr. Hall, the Senate adjourned

GEORGE W. FRIEDLEY,
President *Pro Tem*.

THURSDAY MORNING.

JANUARY 30, 1873, 10 o'clock.

Senate met.

Prayer by the Rev. E. F. Howe, of the city of Terre Haute.

Pending the reading of the journal of yesterday,

On motion by Mr. Dittmore the further reading thereof was dispensed with.

Mr. Orr presented the following claims in favor of J. P. Williams and Samuel T. Brady for services in protest case of Burson vs. Klien.

Which was referred to the Committee on Claims without reading.

The communication of the Governor on the subject of Fish and Fisheries was taken up and read, and on motion referred to the Committee on Expenditures.

Message from the House, by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills, to-wit:

Engrossed House bill No. 325—a bill to authorize the Auditor of Scott county to correct the report made to the Superintendent of Public Instruction, relating to the school fund, common and Congressional, &c., &c.

Mr. Winterbotham presented a remonstrance from sundry citizens of Michigan City, Indiana, against the passage of a bill recently introduced into the Senate to prevent hunting game on private lands.

Which was referred to the Committee on Rights and Privileges without reading.

Mr. Smith presented petition from sundry citizens of Logansport, Cass county, Indiana, asking passage of a bill to give incorporated towns same rights as cities to grant license to retail intoxicating liquors.

Which was referred to the Committee on Temperance.

Mr. O'Brien moved to suspend the order of business and take up Senate bills on second reading.

It was agreed to.

SENATE BILLS ON SECOND READING.

Senate bill No. 95—a bill to protect rivers, streams or bodies of water from which water is taken for the use of cities, towns, villages or benevolent institutions, providing a penalty for its violation, and declaring an emergency—was taken up.

The question being on the adoption of the amendment offered by Mr. Glessner, to-wit: Amend in line twenty after the word "located." *Provided*, Said water works are located above the limits of the city; *And provided further*, That the provisions of this act shall not apply to or in any way affect the owners of pork houses, manufacturing establishments, and other like improvements, heretofore erected,

Mr. Brown moved to recommit the bill without amendments to the Committee on Rights and Privileges of the Inhabitants of the State.

Which was agreed to.

Senate bill No. 63—a bill in relation to promissory notes, bank checks and bills of exchange, and to designate the holidays to be observed in the presentment, acceptance and payment of the same.

Which was read a second time.

Mr. Taylor moved to lay the bill on the table.

It was so ordered.

Senate bill No. 94—entitled, "An act concerning Home for Friendless Women," etc.

Which was read a second time.

Mr. Bird moved to recommit the bill to the Committee on the Judiciary.

Mr. Glessner moved to lay the motion to recommit on the table.

Which was agreed to.

On motion, the bill was ordered engrossed for a third reading on to-morrow.

Senate bill No. 96—a bill to encourage manufacturing in the State of Indiana, and allowing and legalizing conveyances of real estate by and to foreign manufacturing companies and declaring an emergency.

Which was read a second time, and ordered engrossed for a third reading on to-morrow.

Senate bill No. 27—a bill to legalize certain acts of corporations organized or attempted to be organized under and by virtue of an act authorizing the construction of plank, Macadamized and gravel roads, approved May 12, 1852, and acts supplemental thereto.

Which was read a second time.

Mr. O'Brien offered the following amendment:

Add to section one: *Provided*, that when legal proceedings have been commenced against any such company, nothing in this act shall be construed so as to affect such suits.

Which was adopted, and the bill ordered engrossed for a third reading on to-morrow.

Senate bill No. 99—a bill to authorize sureties on notes, bills, or other instruments in writing, who have been compelled to pay the same for their principals to collect off of the principals interest on the amount paid by such sureties, at the rate provided for in such original notes, bills, bonds, or other instruments in writing, held against such principal.

Which was read a second time, and ordered engrossed for a third reading on to-morrow.

Senate bill No. 18—a bill repealing an act entitled "An act authorizing the assessment of lands for plank, Macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same," approved May 14, 1869, also repealing an act authorizing the construction of plank, Macadamized and gravel roads, approved March 11, 1867.

Was taken up, and ordered engrossed for a third reading on to-morrow.

Senate bill No. 103—a bill to amend section seventy-eight of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof."

Which was read a second time and ordered engrossed for a third reading on to-morrow.

Message from the Governor by Samuel R. Downey, his Private Secretary :

MR. PRESIDENT :

By order of the Governor, I have the honor to inform the Senate that his Excellency has approved and signed enrolled act No. 159, entitled, " An act to provide for the submission to the qualified electors of this State, for their ratification or rejection, a proposed amendment to the Constitution of Indiana therein mentioned, and declaring an emergency ; " and that he has received, also, joint resolution No. 5, entitled a " A joint resolution to make temporary provision for the public printing," and that he has caused each of the same to be deposited in the office of the Secretary of State.

Senate bill No. 98—a bill to prevent carrying concealed or dangerous weapons, and to provide punishment therefor.

Which was read a second time.

Mr. Slater offered the following amendment :

" Amend by inserting brass or iron knucks or razors," after slung shots, in section two.

Which was adopted.

Mr. Hough offered the following amendment :

Amend section one, by inserting, after the word " slung-shots," the words " cain, club, brickbat, stone or torpedo," and amend section two by inserting the words " cain, brickbat, stone or torpedo."

Mr. Collett moved to lay the amendment offered by Mr. Hough on the table.

Which was agreed to.

Mr. Fuller offered the following amendment :

Amend by striking out the words with " intent and avowed purpose."

Which amendment was not agreed to.

On motion, the bill was ordered engrossed for a third reading on to-morrow.

On motion of Mr. Cave, the Senate took a recess until two o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled 2 o'clock p. m.

Mr. Dwiggins moved to suspend the order of business, and take up the message of Governor Baker and the inaugural address of Governor Hendricks.

Which was agreed to.

On motion of Mr. Dwiggins, the Senate resolved itself into a Committee of the Whole, with Mr. Glessner in the chair.

The Committee arose and made the following report:

MR. PRESIDENT:

The Committee of the Whole Senate, to consider the message of Governor Baker, have instructed me to offer the following reference:

On Finance—Referred to Committee on Finance.

On Education and Agricultural College—Referred to Committee on Agriculture.

On Constitution Amendments—Referred to a select committee.

On Central Association—Referred to Committee on Agriculture.

On Female Suffrage—Referred to Committee on Rights and Privileges.

On Reformatory Institution for Women—Referred to Committee on Reformatory Institutions.

On State Geologist—Referred to Committee on Mines and Mining.

On National Monument—Referred to Committee on Federal Relations.

On Resolution of State of Ohio in regard to Wabash and Erie Canal—Referred to the Committee on the Judiciary.

On Temperance—Referred to the Committee on Temperance.

On Legislative Practice—Referred to the Committee on Enrolled Bills.

On Pardons—Referred to Committee on Prisons.

On Attorney General—Referred to Committee on Organization of Courts.

On Statistics—Referred to Committee on Immigration and Statistics.

Referred the Inaugural of Governor Hendricks as follows:

On Election and Representative Reform—Referred to Committee on Elections.

On Fees and Salaries—Referred to Committee on that subject.

On Judiciary—Referred to Committee on the Judiciary.

On Security of Public Moneys—Referred to Committee on Finance.

On Public School—Referred to Committee on Education.

The following portion of Inaugural Address, to-wit:

“By the prompt and full discharge of every duty, and the exercise of fraternal comity.

"I will labor to promote a cordial and enduring friendship between Indiana and the other States."

Referred to Committee on Federal Relations.

Which report was concurred in.

Senate bill No. 33—an act to amend an act entitled "An act to incorporate the Indiana Fire and Marine Insurance Company."

Which was taken up and ordered engrossed for a third reading on to-morrow.

Senate bill No. 49—a bill to amend section twenty-two of "An act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11, 1852, and declaring an emergency.

Which was taken up.

Mr. Dwiggins offered the following amendment:

Amend section fifty-seven of said bill so as to read as follows:

SECTION 57. Any person violating the provisions of any ordinance of a town organized under this act, to which there may be a penalty affixed, may be prosecuted before a justice of the peace of such town, or before any other court of competent jurisdiction, upon a warrant issued as in cases of misdemeanors; and such person, upon conviction, shall stand committed until the fine and costs are paid or replevied.

Which was adopted, and the bill ordered engrossed for a third reading on to-morrow.

Senate bill No. 160—an act to amend an act to incorporate the Lawrenceburgh Insurance Company. Approved February 3, 1832.

Which was taken up and ordered engrossed for a third reading on to-morrow.

Senate bill No. 149—an act providing for the reorganization and government of the State Prisons, for the appointment of a Board of Commissioners to have charge of the same and oversight of

the county jails and other prisons of the State, and for repealing all conflicting laws.

Which was taken up and referred to the Committee on Prisons.

Senate bill No. 148—a bill to provide for the relocation of county seats and repealing all laws contravening the provisions of this act, and declaring an emergency.

Which was read a second time.

Mr. Hall moved to refer the bill to a select committee of five.

Mr. Dittemore moved to amend the motion by instructing the committee to report the bill back on Saturday morning next.

Which was agreed to.

The question recurring on the adoption of the motion as amended,

It was agreed to.

Whereupon the President announced as such committee Messrs. Hall, Steele, Beeson, Hough and Daugherty.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills respectfully report that they have examined and compared:

Enrolled Senate Joint Resolution No. 7, entitled "A joint resolution concerning public printing," with the engrossed copy thereof, and find it correctly enrolled.

Senate bill No. 17—a bill to amend section two of an act approved March 11, 1861, to amend section eight and ten of an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases. Approved June 9, 1852.

Which was read a second time.

Mr. Dittemore moved to indefinitely postpone the bill.

Mr. Neff and Orr demanded the ayes and noes :

Those who voted in the affirmative were Messrs. Armstrong, Boone, Bowman, Bunyan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Harney, Oliver, Slater, Steele, Stroud, Thompson and Winterbotham—23.

Those who voted in the negative were Messrs. Beeson, Brown, Carnahan, Dwiggins, Friedley (of Scott), Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Orr, Rhodes, Sarnighausen and Scott—16.

So the motion to indefinitely postpone the bill was agreed to.

Mr. Glessner moved that all bills heretofore laid on the table be read a second time by title, and referred.

Which was agreed to.

Senate bill No. 19—a bill amending an act regulating the granting of divorces and nullification of marriages and decrees and orders of courts incident thereto.

Which was referred to the Committee on Rights and Privileges.

Senate bill No. 20—a bill relative to the sale of real estate on execution, owned by husband and wife.

Which was referred to the Committee on the Judiciary.

Senate bill No. 21—a bill repealing section one of an act entitled "An act prescribing the duties and fixing the compensation of State Agent," approved June 14, 1852, and authorizing and requiring the Secretary of State to perform the duties thereof, and amending section four of this act, and declaring when this act shall take effect.

Which, on motion, was laid on the table.

Senate bill No. 25—a bill to repeal an act entitled "An act regulating the fees, salaries and duties of certain officers therein named, and prescribing penalties for the violation of its provi-

sions," and to revise all laws repealed thereby, and declaring an emergency.

Which was referred to the Committee on Fees and Salaries.

Senate bill No. 26—a bill amending section eighteen of an act regulating decents, and the apportionment of estates, approved May 14, 1852.

Which was referred to the Committee on Rights and Privileges.

Senate bill No. 28—a bill to amend section 1 of an act entitled "An act providing for the completion of the unfinished business of any session of the General Assembly by the next succeeding special session of the same General Assembly.

Which on motion was indefinitely postponed.

Senate bill No. 30—a bill to amend the title and the first section of an act to organize a Supreme Court and prescribing certain duties of the Judges thereof.

Which was indefinitely postponed.

Senate bill No. 34—a bill to amend section ninety and section one hundred and three of an act entitled "An act to revise, simplify and abridge, the rules, practice and pleadings and forms in criminal actions in this State," approved June 17, 1852, and declaring an emergency.

Which was referred to Committee on Organization of Courts.

Senate bill No. 39—a bill to amend an act entitled "An act to authorize and encourage the construction of levees, dykes, and drains and the reclamation of wet and overflowed lands by incorporated companies and to repeal all former laws relating to the same subject, which took effect without execution, approved on the 22d day of May, 1869," for the repeal of the thirteenth section thereof and declaring an emergency.

Which on motion was indefinitely postponed.

Senate bill No. 41—a bill to amend section 5 of an act entitled, "An act to regulate and license the sale of spirit, vinous, and malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act prescribing penalties for the violation."

Which was referred to Committee on Temperance.

Senate bill No. 42—an act to repeal section fifteen of an act entitled "An act concerning promissory notes, bills of exchange, bonds or other instruments in writing, signed by any person who promises to pay money or acknowledges money to be due or for the delivery of any specific article, or to convey property, or to perform any stipulation therein mentioned, and repealing all laws coming in conflict therewith, approved March 11th, 1861; also to repeal an act entitled "an act providing for the redemption of real property or any interest therein, sold on execution or order of sale, and providing for the issue of certificates of purchase in such cases, and for the execution of conveyances, and repealing all laws in conflict therewith," approved June 4th, 1861.

Which was referred to Committee on the Judiciary.

Senate bill No. 43—a bill to authorize the construction of levees and drains by incorporated companies and to repeal all former laws relating to the same subject and declaring an emergency.

Which on motion the bill was indefinitely postponed.

Senate bill No. 47—a bill to repeal an act entitled "An act providing for the protection of fish and repealing all laws in conflict with the same, prescribing penalties for the violation thereof," approved February 22d, 1871.

Which was referred to the Committee on Rights and Privileges.

Senate bill No. 79—a bill to amend the first section of an act entitled "An act to authorize any person desiring to erect a flouring mill, or other machinery to be propelled by water on his own land, to make a raceway below such mill or machinery, through land

belonging to other persons, and to regulate the assessment, and payment of damages therefor."

On motion the bill was indefinitely postponed.

Senate bill No. 80—a bill to amend an act entitled "An act providing for the protection of fish, and repealing all laws in conflict with the same, prescribing penalties for the violation thereof."

On motion, the bill was indefinitely postponed

Senate bill No. 84—a bill to protect the citizens of the State of Indiana from empiricism, and to elevate the medical profession.

Which was referred to the Committee on Rights and Privileges.

Senate bill No. 93—a bill limiting the number of grand and petit jurors in the Courts of this State.

Which was referred to the Committee on the Organization of Courts.

Senate bill No. 102—a bill to repeal all laws providing for the appraisement of property taken on execution or other final process.

Which was referred to the Committee on the Judiciary.

Senate bill No. 161—a bill requiring the board of county commissioners to refund to tax-payers taxes levied and collected specially to aid in the construction of railroads, when the purpose for which the same were collected, shall have or may fail.

On motion, the bill was indefinitely postponed.

Mr. O'Brien moved to take up Senate bill No. 144 from the table.

Which was agreed to.

Senate bill No. 144—a bill to amend section four of an act entitled "An act authorizing the assessment of lands for plank, Macadamized and gravel roads, prescribing the manner of assessing and collecting the same, and repealing the law on that subject," approved May 14, 1868, providing compensation to county auditor in such assessment, and declaring an emergency.

Which was read a second time, and recommitted to the Committee on the Judiciary.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the following resolution of the Senate, to-wit:

Resolved by the Senate, (the House of Representatives concurring therein,) That the State Librarian is hereby instructed to procure a new flag to be placed on the flag-staff, to float over the State Capitol.

SENATE BILLS ON SECOND READING.

Senate bill No. 155—a bill to provide for the re-imbursement to certain counties therein named of certain taxes illegally assessed and collected for the year 1869, and paid into the State Treasury, and declaring an emergency.

Which was read a second time.

Mr. Francisco offered the following amendment:

Amend section first by inserting after the words "sums of money are hereby appropriated," in line eleven of said section, the following words: "To the county of Jefferson the sum \$3,235 16."

Which was agreed to, and the bill ordered engrossed for a third reading on to-morrow.

Senate bill No. 116—a bill to amend sections 95, 96 and 97 of an act entitled "An act providing for the settlement of decedents' estates prescribing the rights, liabilities and duties of the office connected with the management thereof and the heirs thereto, and certain forms to be used in such settlement," approved June 17th 1852, and legalizing certain sales of real estate heretofore made by foreign administration, and declaring an emergency.

Which was read a second time and ordered engrossed for a third reading on to-morrow.

Senate bill No. 132—a bill to amend the twelfth section of an

act, approved May 13th, 1869, and entitled "An act to establish a Female Prison and Reformatory Institution for Girls and Women, to provide for the organization and government thereof, and making appropriations."

Which was read a second time, and, on motion, laid on the table.

Senate bill No. 140—a bill to amend section three, and repeal section four, of an act entitled "An act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof," approved May 31st, 1852.

Which was read a second time and ordered engrossed for a third reading on to-morrow.

Senate bill No 162—an act to repeal an act entitled "An act to repeal section 31 of an act entitled "An act concerning real property and the alienation thereof," approved May 6th, 1869, and to authorize the record of deeds or transcripts thereof, to be read in evidence in courts of justice in this State.

Which was read a second time and ordered engrossed for a third reading on to-morrow:

Senate bill No. 127—a bill in relation to the collection of promissory notes and contracts given for a patent right or territory for a patent right, authorizing the collection of judgments taken by default in certain cases to be enjoined, enlarging the defense to such notes and contracts when payable in bank, providing when such suits shall commence, and declaring an emergency.

Which was read a second time, and ordered engrossed for a third reading on to-morrow.

Senate bill No. 105—a bill to authorize the Courts of Common Pleas to determine who the heirs, legatees, or distributees of a decedent are, and to order partial distribution of his estate among said heirs, distributees, and legatees prior to the final settlement of his estates, and declaring an emergency.

Which was read a second time.

Mr. Dittmore offered the following amendment:

Amend by adding the following at the end of section one: *Provided*, That when all the heirs of any decedent shall be resident of the county in which such settlement of such estate is being had, personal notice may be served upon such heirs in lieu of such notice by publication.

Which amendment was adopted, and the bill ordered engrossed for a third reading on to-morrow.

The President announced as the Joint Committee on the part of the Senate, to draft and present to the General Assembly amendments to the Constitution, to be Messrs. Brown, Hubbard and Boone.

On motion of Mr. Steele, the Senate adjourned.

G. W. FRIEDLEY,
President of the Senate.

FRIDAY MORNING.

JANUARY 31, 1873, 10 o'clock.

Senate met.

Pending the reading of the journal of yesterday, Mr. Haworth moved to dispense with the further reading thereof.

Which was agreed to.

Mr Hall submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills have carefully compared Enrolled House Joint Resolution No. 12, relating to the Wabash and Erie canal, and have directed me to report the same correctly enrolled.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Haworth presented a petition on the subject of Prison Reform.

Which was referred to the Committee on Prisons without reading.

REPORTS OF STANDING COMMITTEES.

Mr. Dittemore submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred Senate bill No. 193, entitled "A bill authorizing the construction of plank, Macadamized and gravel roads," have had the same under consideration, and instructed me to report back the same, and recommend its passage.

Which was concurred in.

Mr. Dittemore submitted the following report :

The Committee on the Judiciary, to whom was referred House bill No. 35, entitled "A bill to amend an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," have had the same under consideration, and have directed me to report the same back to the Senate and recommend its indefinite postponement.

Which was concurred in.

Mr. Gooding submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred House bill No. 115, entitled "An act to repeal an act entitled an act to regulate the sale of patent rights and to prevent frauds in connection therewith," which took effect April 23, 1869, have had the same under consideration, and have directed me to report the same back, with the recommendation that the same be indefinitely postponed.

Which was concurred in.

Mr. Daggy submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 226—to amend sections 457 and 458 of an act entitled “An act to revise, simplify and abridge the rules and practice, pleadings and forms, in civil cases, &c., have had the same under consideration, and a majority thereof have directed me to return the same, recommending that the same be indefinitely postponed.

Which was concurred in.

Mr. Daggy submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 230—to amend section 397 of an act entitled “An act to revise, simplify and abridge the rules, &c.,” approved June 18, 1852—have had the same under consideration, and have directed me to report the same back, recommending its passage.

Which was concurred in.

Mr. Daggy submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred House bill No. 178—a bill to amend section one of an act entitled “An act to amend section seventy-seven of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings, forms, &c.,” approved June 17, 1852, approved December 20, 1865, have had the same under consideration, and have directed me to return the same, recommending its passage.

Which was concurred in.

Mr. Daggy submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred Senate bill No. 169—a bill authorizing the organization of voluntary

associations and prescribing their duties and powers—have had the same under consideration and have directed me to return the same, recommending its passage, with the amendment striking out the eighth section thereof.

Which was concurred in.

Message from the House, by Mr. Nixon, clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed the following Senate bill, to-wit :

Engrossed Senate bill No. 262—a bill to change the time of holding the Circuit Court in Huntington county, Indiana.

And the House has passed the following engrossed House bills, which are herewith respectfully submitted to the Senate for its action thereon :

Engrossed House bill No. 272—a bill to amend an act appropriating \$125,000 to defray the expenses of the Forty-Eighth Regular Session of the General Assembly of the State of Indiana.

Engrossed House bill No. 417—a bill governing costs in the Superior Courts of this State.

Engrossed House bill No. 410—a bill to amend an act entitled "An act to authorize township trustees, trustees of incorporated towns, and in the common councils of cities to levy a tax for school purposes," and extending the assessment and collection of the same to the property and polls of persons transferred for school purposes to the township, town or city, and requiring the officers to levy the same to maintain their schools at least six months in each year, and declaring an emergency.

I am also directed to inform the Senate that the House has concurred in the amendments of the Senate to House bill No. 27, entitled "A bill concerning interest on judgments."

I am also directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following acts to-wit :

Enrolled Joint Resolution No. 12, H. R. A Joint Resolution in relation to giving notice to the electors of the State of the submission to the same for their adoption or rejection the proposed amendment to the Constitution.

Enrolled Joint Resolution No. 7, Senate. A Joint Resolution concerning public printing, and the same are herewith submitted to the Senate for the signature of the President thereof.

Mr. Daggy submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary to whom was referred Senate bill No. 198, "to provide for the organization of an experimental school for the education of idiotic and feeble minded children," have had the same under consideration and have directed me to report the same recommending its passage.

Which was concurred in.

Mr. Gooding submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary to whom was referred House bill No. 130. entitled, "an act to render uniform the rate of interest on the common school funds of the State of Indiana," have had the same under consideration and have directed me to report the same back and recommend its passage.

Which was concurred in.

Mr. Boone submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary to whom was referred Senate bill No. 228—"a bill in relation to the arrest of felons and providing for the appointment of special constables therefor," have had the same under consideration and have directed me to report the same back with the recommendation that the same be indefinitely postponed.

Which was concurred in.

MAJORITY REPORT.

Mr. Daggy submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred Senate bill No. 4, to provide for the assessment and collection of taxes for municipal purposes on the shares of stock owned in banks and banking associations doing business in the State," also the substitute bill with majority and minority reports on said bills by the Committee on Banks and Banking, have had the same under consideration, and have directed me to return the same with the recommendations following, that said substitute bill with reports of said Committee on Banks and Banking do lie on the table, and that said original Senate bill be amended as follows: amend section 3 by striking out of said section the words "third section of said act of March 15th, 1867," and insert in lieu thereof the following words: section 65 of an act entitled an act to provide for a uniform assessment of property and for the collection and return of taxes thereon approved December 21st, 1862, amend by striking out in section 2 in line 8, from the word "second" to the word "State" in line 11 inclusive, and in lieu thereof the following words: "sixty-fourth section of an act entitled an act to provide for a uniform assessment of property and for the collection and return of taxes thereon, approved December 21st, 1872, and that when so amended that the same do pass.

Which was concurred in.

MINORITY REPORT.

Mr. Gregg submitted the following report:

MR. PRESIDENT :

The Committee on Banks and Banking on the part of the minority of said committee beg leave to report that we have had under consideration Senate bill No. 4, entitled, "A bill to provide for the assessment and collection of taxes for municipal purposes on the shares of stock owners in banks and banking associations doing business in this State," and concur in this report: That Senate bill No. 4 is an exact copy of House bill No. 6, introduced into the

House of Representatives of the Forty-seventh General Assembly of the State of Indiana, and referred by said body to the Committee on the Judiciary, and by that committee report back with the unanimous recommendation that it pass, afterwards, to-wit: On the 9th day of January, 1871, said bill passed the House of Representatives with the endorsement of 85 yeas and 8 noes. The bill was received in the Senate on the 10th day of February, 1871, and failed to pass that body by reason of the abrupt termination of the Legislature. The bill reported herewith is ample in all its provisions to carry out the object and purposes expressed in the title. The object of the bill is to tax the shares of National banks for municipal purposes at the town or city where the bank is located at the same rate that other personal property is taxed. The bill reported by the majority of the committee provides that the shares in National banks shall be taxed where the owners thereof reside respectively, and not in the town or city where the bank is located, unless the owner of the stock resides in such town or city, non-residents excepted. At the time of the enactment of the general tax law of this State, the State banks were subject to taxation for municipal purposes and no provision was made for the place where their stock should be taxed for municipal purposes. It was provided, however, that the stock of merchants and manufacturers should be taxed where located. Municipal taxation rests upon the theory that the property situated in the city and protected by its government should bear its proper share of the burden of supporting such government if the shares of banks are to be taxed where the owner resides, then the owners of bank stock residing in the country would have no tax to pay for municipal purposes, though the bank was located in the city, and their property had the protection of the city government. Congress has long since given the power to tax the shares of capital stock of National banks and banking associations for city and municipal purposes. In section eighty-seven revision of the United States statutes, title L. X. D., National banks, the cities and towns of this State have long suffered for the want of necessary legislation upon this subject. It is therefore recommended that the bill herewith reported be passed.

Mr. Daggy submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred House

bill No. 167, to preserve the original manuscript Journals of the Senate and House of Representatives of the General Assembly, and prescribing a penalty for the destruction or mutilation thereof, have had the same under consideration, and have directed me to return the same, recommending its passage.

Which was concurred in.

The President announced that he had signed House Joint Resolution No. 7, and House Joint Resolution No. 12.

Mr. Gregg submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 208, entitled an act to amend section nine of an act concerning the mode of proceeding in criminal cases, defining felonies and misdemeanors, and prescribing the punishment therefor, approved June 17, 1852, and providing for an emergency, have had the same under consideration, and recommend that the same do pass.

Which was concurred in.

Mr. Gregg submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred House bill No. 118, entitled a bill making the parties competent witnesses as to certain matters in actions by executors or administrators, upon contracts assigned to the decedent, have had the same under consideration, and recommend that the bill do pass.

Which report was concurred in.

Mr. Gregg submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 182, entitled a bill to provide for the investment of funds detained in the hands of executors, administrators, agents, attor-

neys or officers, by reason of pending litigation, and declaring an emergency, have had the same under consideration and recommend that said bill be indefinitely postponed.

Which was concurred in.

Mr. Gooding submitted the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred House bill No. 136, entitled "An act to amend section 647 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State," have had the same under consideration, and direct me to report the same back with the recommendation that it pass.

Which was concurred in.

Mr. Steele submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 104 on the subject of repeal of gravel, Macadamized and plank roads, have had the same under consideration and return the same with the recommendation that it be indefinitely postponed.

Mr. Orr moved to amend the report by striking out the words "indefinitely postponed" and insert in lieu thereof "do lie on the table."

Mr. Orr and Boone demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Brown, Bunyan, Cave, Dwiggins, Fuller, Francisco, Friedley (of Scott), Glessner, Howard, Hubbard, Miller, Neff, Orr, Ringo, Stroud and Wadge—16.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Carnahan, Chapman, Collett, Daggy, Daugherty, Dittmore Friedley (of Lawrence), Gooding, Gregg, Hall, Harney, Haworth, Hough, O'Brien, Oliver,

Rhodes, Sarnighausen, Scott, Slater, Smith, Steele, Taylor Thompson, Williams and Winterbotham—31.

So the motion to amend did not prevail.

The question being on concurring in the report of the committee.

Which was concurred in.

Mr. Daggy submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred several petitions on the subject of the State, and requesting an amendment thereof, have considered the same, and directed me to return the same recommending that it lie on the table.

Which was concurred in.

Mr. Hough submitted the following report :

MR. PRESIDENT :

The Committee on Education, to whom was referred House bill No. 138, entitled "A bill to amend the third section of an act entitled 'an act to authorize cities and towns to negotiate and sell bonds, to procure means with which to erect and to complete unfinished school buildings, and pay debts contracted for erection of such buildings, and authorizing the levy and collection of an additional special school tax, for the payment of principal and interest of such bonds,' approved March 11, 1867, have had the same under consideration, and have directed me to report the same back to the Senate, with the recommendation that section one thereof be amended by inserting the word "the" immediately before the word "official," in the thirty-first line thereof, and that said section be further amended by striking out the word "treasury," in line thirty-two, and inserting in lieu thereof the word "town treasurers," and that when the same be so amended they recommend the passage of the bill.

Which was concurred in.

Mr. Thompson submitted the following report:

MR. PRESIDENT :

The Committee on Benevolent Institutions, to whom was referred Senate bill No. 97, entitled "A bill to provide for the organization of an experimental school for the instruction of feeble-minded children," have had the same under consideration and report the same back with the recommendation that it do lie on the table.

Which was concurred in.

Mr. Beeson submitted the following report:

MR. PRESIDENT :

The Committee on Claims, to whom was referred a claim in favor of H. C. Klein for \$18.80, serving as witness in Burson and Klein case, have had the same under consideration, and report back to the Senate that he be allowed \$14.80.

Which was concurred in.

Mr. Beeson submitted the following report:

MR. PRESIDENT :

The Committee on Claims, to whom was referred a claim in favor of O. H. Swain, sheriff, for \$29.50, for service in the Burson and Klein contest case, have had the same under consideration and recommend that the same be allowed.

Which was concurred in.

Mr. Beeson submitted the following report:

MR. PRESIDENT :

The Committee on Claims, to whom was referred a claim of \$14.80 in favor of Geo. W. Spilken, for serving as witness in Burson and Klein case, have had the same under consideration and report back to the Senate that he be allowed \$12.80.

Which was concurred in.

Mr. Sleeth submitted the following report:

MR. PRESIDENT:

The Committee on Claims, to whom was referred the account of Spiegel & Thoms, of \$77.00, for furniture furnished the Senate at the special session of 1872, have had the same under consideration, and return the same with the recommendation that it be allowed.

Which was concurred in.

Mr. Beeson submitted the following report:

MR. PRESIDENT:

The Committee on Claims, to whom was referred claim in favor of Adams, Mansur & Co. for material furnished the Senate at special session, amounting to \$252 58, have had the same under consideration, and have instructed me to report the same back with the recommendation that it be allowed.

Which was concurred in.

Mr. Beeson submitted the following report:

MR. PRESIDENT:

The Committee on Claims, to whom was referred the claim of Osborn & Calkins, for professional services rendered the State, of \$500, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that the amount of \$400 be allowed.

Which was concurred in.

Mr. Carnahan submitted the following report:

MR. PRESIDENT:

The Committee on Claims to whom was referred a claim in favor of William Cox of \$25.20 for services as witness in the Burson and Klein case, have had the same under consideration and have directed me to report the same back to the Senate with the recommendation that the sum of \$19.20 be allowed.

Which was concurred in.

Mr. Carnahan submitted the following report:

MR. PRESIDENT:

The Committee on Claims to whom was referred the claim of J. R. McKinney, for \$20 for services as witness in Burson and Klein case, have had the same under consideration and have directed me to report the same back to the Senate with the recommendation that he be allowed the sum of \$14.

Which was concurred in.

Mr. Carnahan submitted the following report:

MR. PRESIDENT:

The Committee on Claims to whom was referred the claim of Liberty Ginn, for \$33 for services as witness in the Burson and Klein case, have had the same under consideration and have directed me to report the same back to the Senate with the recommendation that he be allowed the sum of \$23.

Which was concurred in.

Mr. O'Brien submitted the following report:

MR. PRESIDENT:

The Committee on Claims to whom was referred memorial of Rebecca A. Williamson for services of her husband, Eleasor Williamson, serving as surgeon of the 130th Regiment Indiana Volunteers, while at Kokomo in this State, for \$350, have had the same under consideration and instruct me to report the same back to the Senate with the recommendation that it be allowed and that the same be referred to the Committee on Finance to be incorporated in the specific appropriation bill.

Mr. Chapman moved to lay the report on the table.

Messrs. Bunyan and Chapman demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beardsley, Boone, Brown, Bunyan, Chapman, Collett, Daggy, Fuller, Francisco, Friedley (of Lawrence,) Grigg, Harney, Haworth, Howard, Neff, Orr, Stroud, Williams and Winterbotham—20.

Those who voted in the negative were, Messrs. Armstrong Beeson, Bird, Bowman, Carnahan, Cave Dittemore, Dwiggin, Friedley (of Scott,) Gooding, Hall, Hough, Hubbard, Miller, O'Brien, Rhodes, Sarnighausen, Scott, Slater, Smith, Steele, Taylor, Thompson and Wadge—24.

So the motion to lay on the table did not prevail.

The question being on concurring in the report of the committee.

It was concurred in.

Mr. Beeson submitted the following report:

MR. PRESIDENT :

The Committee on Reformatory Institutions, to whom was referred Senate bill No. 143—a bill to restrain all persons from hiring or employing persons under the age of twenty-one years, to make or vend, by the wholesale or retail any spirituous or intoxicating liquors, and prescribing penalties therefor, and declaring an emergency, have had the same under consideration and have directed me to report the same back with the recommendation that it do pass.

Which was concurred in.

Mr. Taylor asked and was granted leave of absence until Monday next, at 10 o'clock a. m.

Mr. Sleeth asked and obtained leave of absence indefinitely.

The Committee on Education was granted leave of absence for Friday next.

Mr. Hubbard asked and obtained leave of absence until Monday next.

Mr. Rhodes asked and obtained leave of absence until Thursday next.

Mr. Steele demanded a call of the Senate.

Those who answered to their names were Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Car-

naban, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neft, O'Brien, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Thompson, Wadge and Winterbotham—45.

Mr. Williams asked and obtained leave of absence indefinitely.

Mr. O'Brien moved that when the Senate adjourn it be until Monday next at 2 o'clock P. M.

Which was not agreed to.

Mr. Dittemore moved that the Senate do now adjourn.

Which was not agreed to.

Mr. Hall submitted the following report :

MR. PRESIDENT :

The Committee on Rights and Privileges, to whom was referred Senate bill No. 187—a bill to amend section one of an act entitled "An act to amend section one of an act to amend section three of an act entitled an act for the regulation of weights and measures," approved June 9, 1852, approved February 28, 1855, approved March 7, 1863—have had the same under consideration, and recommend the following amendments :

Strike out all that follows the figures 1863 in the twentieth line, and insert "be so amended that the same read as follows, to-wit: That sixty (60) pounds of wheat, avoirdupois weight, shall be given and taken for a standard bushel; of apples dried, 33 pounds; of barley, 48 pounds; blue grass seed, 14 pounds; beans, castor, 46 pounds; beans, white, 60 pounds; buckwheat, 62 pounds; coal, 80 pounds; corn on the cob, 70 pounds; corn, shelled, 56 pounds; cornmeal, 50 pounds; clover seed, 60 pounds; cranberries, 40 pounds; flaxseed, 56 pounds; hair, plastering, 8 pounds; hemp seed, 44 pounds; Hungarian or mellet seed, 50 pounds; malt, 38 pounds; lime, unslacked, 80 pounds; onions, 57 pounds; Oats, 32 pounds; Osage orange seed, 33 pounds; peas, 60 pounds; potatoes, Irish, 60 pounds; potatoes, sweet, 55 pounds; peaches, dried,

33 pounds; plums, dried, 28 pounns; rye, 56 pounds; red top seed, 14 pounds; salt, 50 pounds; salt, fine, 55 pounds; timothy seed, 45 pounds; turnip seed 55 pounds, and two thousand pounds of hay shall be given and taken for a ton.

Which was concurred in.

Mr. Howard submitted the following report:

MR. PRESIDENT:

The Committee on Rights and Privileges to whom was referred Senate bill No. 232, entitled "A bill to regulate the sale of mineral oils and other substances for illuminating purposes," have had the same under consideration, and report the same back to the Senate, with the recommendation that the same do pass.

Which was concurred in.

Mr. Gooding submitted the following resolution:

MR. PRESIDENT:

The Committee on Federal Relation, to whom was referred House bill No. 6, entitled "A bill creating the Indiana Centennial Association," have had the same under consideration, and have directed me to report the same back, with the recommendation that section six be amended so that expenses of clerk hire and other incidental expenses shall not exceed one thousand dollars per annum, and that the word "annually" be struck out of section seven, and that when so amended said bill be passed.

Which was concurred in.

Mr. Gooding submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary to whom was referred Senate bill No. 35, entitled "An act to amend sections seventeen and twenty-nine of an act entitled an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such

other matters as properly pertain thereto," approved March 14, 1867, have had the same under consideration, and have directed me to report the same back to the Senate, with the recommendation that all of said bill, except the amended twenty-ninth section, be struck out, and that a section be added, making the provisions of said amended section apply to all cities incorporated under the laws of this State, and that when so amended the bill pass.

Which was concurred in.

MR. PRESIDENT :

The Joint Committee on Enrolled Bills respectfully report that they have presented to his Excellency, the Governor, Senate Joint Resolution No. 7—a joint resolution concerning public printing; also House Joint Resolution No. 12—a joint resolution in relation to giving notice to the Electors of the State of Indiana of the submission to the same for their adoption or rejection, the proposed amendment to the Constitution of Indiana, in relation to the debt charged upon the Wabash and Erie canal.

Mr. Collett offered the following resolution :

Resolved, By the General Assembly of the State of Indiana, that the Attorney General be required to examine and report to the General Assembly as to whether the trustees for the Vincennes University have complied with the several statutes of this State, whether they have made reports as required by law, and whether they have in any respect violated any of the provisions of the laws under which they organized or any amendment thereto.

Which was adopted.

Mr. Dittmore moved that the Senate do now adjourn.

Which was not agreed to.

Mr. Collett offered the following resolution :

Resolved, That the doorkeeper be ordered to have a lot of boxes 8x14 high put up at the end of the west room south of Senate chamber for the use of Senators. Said boxes to be kept and

guarded by the postmaster of the Senate, the whole to be protected by railing or lattice work.

Which was not adopted.

Mr. Hough moved to suspend the order of business and take up his resolution heretofore offered.

Which was not agreed to.

Mr. Dwiggins offered the following resolution :

Resolved, That the Doorkeeper be instructed to amend the contract made by him under a resolution passed on the 13th day of January, 1878, directing him to contract for four copies each of the Daily Journal and Sentinel for each Senator and that the taking of said papers be stopped from this date.

Mr Rhodes moved to refer the resolution to the Committee on the Judiciary.

Mr. Dittemore moved that the Senate do now adjourn.

Which was not agreed to.

The question recurring on the motion to refer resolution by Mr. Dwiggins to the Committee on the Judiciary.

Messrs. Dwiggins and Hough demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Bird, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Dittemore, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gregg, Miller, O'Brien, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Smith, Steele, Stroud, Thompson, Wadge and Winterbotham—28.

Those who voted in the negative were, Messrs. Beardsley, Besson, Boone, Collett, Daggy, Dwiggins, Gooding, Hall, Haworth, Hough, Howard, Hubbard, Neff, Orr and Slater—15.

So the motion prevailed.

Mr. Hough moved that the Senate do now adjourn.

Which was not agreed to.

Mr. Dwiggin moved to suspend the order of business and take up Senate bill No. 238.

Which was not agreed to.

Mr. Orr moved that the Senate do now adjourn.

It was not agreed to.

Mr. Boone introduced Senate Joint Resolution No. 8—a joint resolution to authorize investigation of alleged losses to the school revenue, and the prosecution of action to recover the same and prescribing duties of certain officers in relation thereto.

On motion of Mr. Friedley of Lawrence, the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled 2 o'clock p. m.

Pending the adjournment Senate Joint Resolution No. 8 being under consideration.

The question being, shall the joint resolution pass?

Mr. Neff moved to refer the joint resolution to the Committee on the Judiciary.

Messrs. Fuller and Cave demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Brown, Bunyan, Carnahan, Cave, Collett, Daugherty, Dittemore, Dwiggin, Fuller, Friedley (of Scott,) Glessner, Gregg, Harney, Haworth, Miller, Neff, Oliver, Orr, Ringo, Sarnighausen, Scott, Slater, Steele, Stroud and Winterbotham—28.

Those who voted in the negative were, Messrs. Boone, Bowman, Chapman, Daggy, Friedley (of Lawrence,) Gooding, Hough and Hubbard—8.

So the motion prevailed.

Mr. Carnahan moved that all claims reported on by the Committee on Claims and Allowance recommended be referred to the Joint Committee on Claims.

Which was agreed to.

Message from the House, by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following concurrent resolution to-wit:

Resolved by the House of Representatives, (the Senate concurring therein,) That the General Assembly has viewed with pleasure the wise, beneficent and humane policy of the President of the United States towards the different Indian tribes, as is shown by his endeavors to place these wards of the nation under the care of the various religious denominations of the country, and also in his endeavors to confine the tribes to and upon their landed reservations, as well as to protect them from the encroachments of the citizens and traders, according to treaty stipulations.

Also the following Joint Resolution:

House Joint Resolution No. 14—a Joint Resolution concurring in a bill pending in the United States Senate to shorten the time now required by law to enable soldiers of the war of 1812 to draw pensions.

And the same are herewith submitted to the Senate for its action thereon.

By unanimous consent of the Senate, Mr. Daugherty submitted the following report:

MR. PRESIDENT:

The Committee on Reformatory Institutions have had House bill No. 212, defining the misdemeanors of keeping houses of ill-fame, etc., would recommend that the bill be amended as follows, to-wit:

That section two should read: "That any male person over the

age of eighteen years who may illicit sexual intercourse with any woman who prostitutes her body as a means of livelihood, shall be deemed guilty of encouraging professional prostitution, and on conviction shall be fined in any sum not exceeding one thousand dollars, and be imprisoned in the State Prison not less than one nor more than five years; or in the discretion of the Court or jury trying the cause, imprisonment in the county jail for any term not exceeding six months, may be substituted in lieu of confinement in the State Prison; and also that section two be numbered section three, and section three should be section four, and section four should be section five; and when so amended should pass.

Which was concurred in.

Mr. Daugherty moved to suspend the order of business and take up engrossed House bill No. 212.

Which was agreed to.

Engrossed House bill No. 212—a bill defining the misdemeanor of keeping houses of ill-fame, the renting and leasing property to be used as a house of ill-fame, and prescribing penalties therefor, and prescribing certain rules of evidence in prosecution of such offences.

Which was read a second time.

Mr. Dittemore offered the following amendment:

Strike out of the second section these words, viz: "As a means of livelihood."

Which was adopted.

Mr. Dittemore offered the following further amendment: Amend by inserting after the word "dollars" in second section, these words, "and be imprisoned in the county jail not exceeding six months" and strike out the remainder of section eleven.

Which amendment was adopted.

Mr. Fuller offered the following amendment:

"Provided, however, That the provisions of this act shall only
S. J.—22

apply to cities of a population not less than three thousand inhabitants."

Mr. Hall moved to lay the amendment on the table.

Messrs. Fuller and Daugherty demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Boone, Bunyan, Daggy, Daugherty, Dwiggin, Friedley (of Scott), Friedley (of Lawrence,) Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Ringo, Sarnighausen and Scott—23.

Those who voted in the negative were, Messrs. Beardsley, Bowman, Brown, Carnahan, Cave, Chapman, Collett, Dittmore, Fuller, Francisco, Glessner, Gregg, Slater, Steele Stroud, Wadge and Winterbotham—17.

So the motion to lay on the table was agreed to.

On motion the amendments to the bill were ordered engrossed.

Mr. Hall submitted the following report :

MR. PRESIDENT :

I have the honor to report that the Committee on Engrossed Bills have carefully compared engrossed Senate bill No. 74—an act legalizing the acts and proceedings of Boards of Commissioners in certain cases.

Also, engrossed Senate bill No. 33—an act to amend an act to incorporate the Indiana Fire and Marine Insurance Company.

Also, engrossed Senate bill No. 77—an act amending section 476 of an act revising, simplifying and abridging the rules, practice, &c., in civil cases, &c.; and have directed me to report the same correctly engrossed.

Mr. Daggy moved to suspend the order of business and take up Engrossed Senate bills and Engrossed House bill No. 211 on third reading.

Which was agreed to.

ENGROSSED SENATE BILLS ON A THIRD READING.

Engrossed Senate bill No. 32—a bill to legalize the sale of seminary lands in Jasper county to Marion L. Spitler and Margaret Stackhouse and directing how the proceeds of said sale shall be applied.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Besson, Boone, Bowman, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Ringo, Sarnighausen, Scott, Steele, Stroud, Wadge and Winterbotham—38.

No Senator voting in the negative, so the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 6—an act authorizing suits to be brought in the partnership name against individual partners and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dwiggin, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Gregg, Hall, Haworth, Hough, Howard, Hubbard, Miller,

Neff, O'Brien, Oliver, Orr, Ringo, Sarnighausen, Scott, Slater, Steele, Stroud, Wadge and Winterbotham—39.

Mr. Harney voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 37—an act to amend section 47 of an act entitled “an act to provide for the opening, vacating and change of highways, approved Jan. 17, 1852.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Fuller, Francisco, Friedley (of Scott,) Glessner, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Ringo, Sarnighausen, Scott, Slater, Steele, Stroud, Wadge and Winterbotham—36.

Those who voted in the negative were, Messrs. Dwiggin and Friedley (of Lawrence)—2.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed House bill No. 211—A bill supplemental to an act entitled “An act to establish a female prison and reformatory in-

stitution for girls and women, and to provide for the organization thereof, and making appropriations," approved May 13, 1869.

Which was read a third time.

Mr. Winterbotham moved that the bill be recommitted to the Committee on Prisons with instructions to amend the bill by striking out "fifty thousand" and insert in lieu thereof "thirty thousand" dollars.

Messrs. Daugherty and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Bowman, Carnahan, Cave, Chapman, Daggy, Fuller, Friedley (of Scott), Friedley (of Lawrence), Gooding, Gregg, Neff, Orr, Slater, Stroud and Winterbotham—15.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bunyan, Collett, Daugherty, Dittemore, Dwiggin, Francisco, Glessner, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, O'Brien, Oliver, Ringo, Sarnighausen, Scott, Steele and Wadge—25.

So the motion was not agreed to.

Mr. Friedley moved that the bill be recommitted to the Committee on Prisons, with instructions to amend by striking out "fifty thousand" and insert "thirty-five thousand."

Mr. Wadge moved to lay the motion on the table.

Messrs. Wadge and Daugherty demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bunyan, Daugherty, Dittemore, Dwiggin, Francisco, Hall, Haworth, Hough, Howard, Hubbard, O'Brien, Oliver, Ringo, Sarnighausen, Scott, Steele and Wadge—21.

Those who voted in the negative were, Messrs. Bowman, Carnahan, Cave, Chapman, Collett, Daggy, Fuller, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Harney, Miller, Neff, Orr, Slater, Stroud and Winterbotham—19.

So the motion to lay on the table was agreed to.

Mr. Hough moved to recommit the bill to the Committee on Prisons, with instructions to amend by striking out "fifty thousand dollars," and insert "forty thousand dollars."

Mr. Daugherty moved to lay the motion on the table.

Which was agreed to.

Mr. Dwiggins demanded the previous question, which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bunyan, Collett, Daggy, Daugherty, Dittemore, Dwiggins, Francisco, Glessner, Gooding, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, O'Brien, Oliver, Ringo, Sarnighausen, Scott, Steele and Wadge—27.

Those who voted in the negative were, Messrs. Bowman, Carnahan, Cave, Chapman, Fuller, Friedley (of Scott), Friedley (of Lawrence), Gregg, Neff, Orr, Slater, Stroud and Winterbotham—13.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 50—a bill to correct and define more correctly the boundary lines between the counties of Washington and Clark, and declaring an emergency.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong,

Beardsley, Beeson, Boone, Bowman, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott), Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Miller, Neff, O'Brien, Oliver, Orr, Ringo, Sarnighausen, Scott, Slater, Steele, Stroud, Wadge and Winterbotham—38.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Mr. Bowman offered the following amendment:

Amend the title by striking out the same, and insert in lieu thereof the following as the title: An act supplemental to the act entitled "An act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved June 7, 1852, so as to define the boundary between the counties of Washington and Clark.

Which amendment was agreed to.

The question being, shall the title as amended stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 75—a bill defining the law of verbal slander and fixing the punishment therefor.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bunyan, Carnahan, Chapman, Collet, Daggy, Dwiggin, Francisco, Friedley (of Scott), Hough, Howard, Hubbard, O'Brien, Orr, Scott and Wadge—19.

Those who voted in the negative were Messrs. Bowman, Cave, Daugherty, Fuller, Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Harney, Haworth, Miller, Neff, Oliver, Ringo, Sarnighausen, Slater, Steele and Stroud—19.

So the bill failed to pass.

Engrossed Senate bill No. 76—an act defining the law and crime of libel, and prescribing punishment therefor, and declaring an emergency.

Which was read a third time.

Mr. Hough moved to recommit the bill to the Committee on the Judiciary, with instructions to strike out imprisonment.

Mr. Wadge moved to lay the motion on the table.

Which was agreed to.

Mr. Dwiggins moved to recommit the bill to the Committee on the Judiciary, with instructions to amend the bill so as to more particularly define what shall constitute a libel, and make such other amendments as the committee may think proper.

Mr. Daugherty demanded the previous question, which was seconded by the Senate.

The question being shall the main question be now put?

It was so ordered.

The question being on the motion by Mr. Dwiggins,

It was not agreed to.

The question then being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Beeson, Boone, Brown, Bunyan, Collett, Daggy, Dittemore, Hall, Hough, Howard, Hubbard, O'Brien, Orr, Scott, Steele and Wadge—16.

Those who voted in the negative were Messrs. Bowman, Carnahan, Cave, Daugherty, Dwiggins, Fuller, Francisco, Glessner,

Gooding, Gregg, Haworth, Miller, Neff, Oliver, Rhodes, Ringo, Slater, Smith and Stroud—19.

So the bill failed to pass.

MR. PRESIDENT :

The Committee on Engrossed Bills would respectfully report that they have examined and compared engrossed amendments to House bill No. 212 with the original, and find them correctly engrossed.

COLLETT,

Chairman of Committee on Engrossed Bills.

On motion by Mr. Orr, the Senate adjourned.

[Signed.]

LEONIDAS SEXTON,

President of the Senate.

SATURDAY MORNING.

FEBRUARY 1, 1873, 10 O'CLOCK A. M.

Senate met.

Pending the reading of the journal of yesterday,

On motion by Mr. Haworth the further reading thereof was dispensed with.

Mr. Chapman moved to take up message from the House containing the concurrent resolution concerning the care and treatment of the insane persons of the State, and the establishment of additional institutions therefor.

Which was agreed to.

The question being on the adoption of the concurrent resolution,

Mr. Dwiggin offered the following amendment:

Amend by striking out all after the word "to," in line two, on

page 2, and insert the following: "inquire and report the amount that should be appropriated to build additional buildings for the insane, and also report where such additional buildings shall be erected, and other matters pertaining thereto, and report by bill or otherwise."

Mr. Hough offered the following amendment to the amendment:

Amend the amendment by striking out all after the word "insane," in the fourth line, and insert the following: "on the present site of the Hospital for the Insane."

Mr. O'Brien offered the following substitute:

Resolved, That the Committee on Benevolent Institutions be, and they are hereby, instructed to inquire into the propriety of enlarging the present buildings for the accommodation of the insane of the State, or for the building of new buildings on the same grounds now owned by the State, and report to the two Houses as early as possible.

Mr. Scott demanded the previous question, which was seconded by the Senate.

The question being shall the main question be now put?

It was so ordered.

The question being on the adoption of the substitute offered by Mr. O'Brien,

Messrs. O'Brien and Gooding demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beardsley, Boone, Bowman, Collett, Daugherty, Friedley (of Lawrence), Glessner, Haworth, Hough, Miller, Neff, O'Brien, Oliver. Orr, Rhodes, Ringo, Scott and Slater—18.

Those who voted in the negative were Messrs. Armstrong, Beeson, Bunyan, Carnahan, Cave, Chapman, Daggy, Dwiggins, Fuller, Francisco, Gooding, Gregg, Hall, Harney, Howard, Sarnighausen, Steele, Stroud, Thompson and Winterbotham—20.

So the substitute was not adopted.

The question being on the adoption of the amendment to the amendment,

Messrs. Dwiggins and Chapman demanded the ayes and noes.

Those who voted in the affirmative were Messrs. Beardsley, Bowman, Collett, Glessner, Haworth, Hough, O'Brien, Orr, Rhodes, Ringo and Scott—11.

Those who voted in the negative were, Messrs. Armstrong, Beeson, Boone, Bunyan, Carnahan, Cave, Chapman, Daggy, Daugherty, Dwiggins, Fuller, Francisco, Friedley (of Lawrence), Gooding, Gregg, Hall, Harney, Howard, Miller, Neff, Oliver, Sarnighausen, Slater, Smith, Steele, Stroud, Thompson and Winterbotham—28..

So the amendment to the amendment was not adopted.

The question being on the adoption of the amendment offered by Mr. Dwiggins.

Which was adopted.

The question then being on the adoption of the concurrent resolution as amended.

Those who voted in the affirmative were Messrs. Armstrong, Beardsley, Beeson, Boone, Bowman, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dwiggins, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Haworth, Hough, Howard, Miller, Neff, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Thompson and Winterbotham—37.

Messrs. Harney and O'Brien voting in the negative.

So the concurrent resolution as amended was adopted.

Senate bill No. 157 was ordered to be engrossed.

Mr. Gregg moved to suspend the order of business and take up Senate bill No. 4.

Which was agreed to.

Senate bill No. 4—a bill to provide for the assessment and collection of taxes for municipal purposes on the shares of stock owned in banks and banking associations doing business in this State.

Which was read a second time and ordered engrossed for a third reading to-morrow.

Mr. Scott presented petition from sundry citizens on the subject of temperance.

Which was referred to the Committee on Temperance without reading.

Mr. Daggy moved to suspend the order of business and take up bills on third reading.

Which was agreed to.

BILLS ON THIRD READING.

Engrossed Senate bill No. 126—a bill to amend section one of an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto, approved March 5, 1859.

Which was read a third time.

Mr. Slater moved to recommit the bill to a select committee of three, with instructions to "perfect the bill."

Which was agreed to.

The President announced as such committee Messrs. Slater Cave and Bunyan.

Mr. Miller asked and obtained leave of absence until Tuesday next at two o'clock p. m.

Mr. Friedley (of Scott) asked and obtained leave of absence indefinitely.

Mr. Smith demanded a call of the Senate.

On call of the Senate, the following members answered to their names:

Messrs. Armstrong, Beardsley, Beeson, Boone, Bowman, Bunnan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Neff, O'Brien, Oliver, Orr, Ringo, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Thompson and Winterbotham—38.

Mr. Hough asked and obtained leave of absence until Wednesday next.

Mr. Dittemore offered the following:

Resolved, That the leave of absence heretofore granted to Senator Beggs be rescinded, and that the Secretary of the Senate be instructed to notify him of that fact immediately.

Which was adopted.

Mr. Hall submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 148, providing the manner of "re-locating county seats," direct me to report that they have agreed to recommend the following amendments:

Strike out all of preamble before the enacting clause.

In section three, line twenty-eight, strike out the word "three," and insert the word "two."

In section four, line twenty-eight, add the words "but the filing of any additional amendments, petitions or remonstrances, shall not be good cause for a second continuance."

Strike out all between the word "thereon" in section five, line thirty-two, and the word "refuse" in line forty-two, and insert the words "or may."

Insert the words "shall have," after the word "enable," in section six.

After the word "election," in section ten, line five, insert the words "for any one office."

The committee was unfortunate in standing as a tie upon an amendment proposed in committee, "to submit the whole matter to the people on some special day for their votes," instead of the words indicated by the bill, which is written "petitions."

We also disagreed upon the proposed amendment to strike out emergency clause, section thirteen, and insert the following:

"Section 13. The valid acts of any Board of County Commissioners of any county of this State, made before the taking effect of this act, shall not be affected or invalidated thereby in any manner."

The committee are unanimous in recommending the passage of the bill, with these two exceptions.

Mr. Dittemore moved to amend the report of the committee by striking out that part referring to disagreements.

Which was agreed to.

The report of committee as amended was concurred in.

On motion by Mr. Hall, the Senate took a recess until two o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled 2 o'clock p. m.

Mr. Dittemore moved to suspend the order of business, and take up Senate bills on second reading.

Which was agreed to.

SENATE BILLS ON SECOND READING.

Senate bill No. 13—a bill requiring railroad companies organized under any law of the State of Indiana to keep their principal office of business within the State, and to have a majority of Directors resident within the State of Indiana and along the line of railroad.

Which was read a second time, and ordered engrossed for a third reading on to-morrow.

Senate bill No. 31—a bill supplemental to an act authorizing the assessment of lands for plank, Macadamized and gravel road purposes, prescribing the manner of assessing and collecting the

same, and repealing the law on that subject, approved March 11, 1867—the act aforesaid having been approved May 14th, 1869—and repealing so much of said act as effects such companies not organized at the taking effect of this act.

Which was read a second time, and the bill, together with the petition on the same subject presented by Mr. Brown, referred to the Committee on the Judiciary.

Mr. Hall made the following report :

The Committee on Engrossed Bills have carefully compared the following bills :

Senate bill No. 96—an act to encourage manufacturing, &c.

Also, Senate bill No. 18—an act repealing gravel road law.

Also, Senate bill No. 140—an act amending section three and four of an act prescribing who may make wills.

Also, Senate bill No. 99—an act giving sureties the power to collect like interest from principals.

Also, Senate bill No. 27—an act amending gravel road law.

Also, Senate bill No. 103—an act to amend section seventy-eight, establishing township libraries. And direct me to report same correctly engrossed.

Mr. Collett submitted the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled Bills report that they have carefully compared enrolled House bill No. 27, entitled “An act regulating interest on judgments,” and find the same correctly enrolled.

Also, House bill No. 211, entitled “An act supplemental to an act entitled an act to establish a Female Prison and Reformatory Institution for Girls and Women, and to provide for the organization and government thereof, and making appropriations,” approved May 13, 1869.

Mr. Neff submitted the following report :

MR. PRESIDENT :

The Committee on Engrossed Bills have examined and compared engrossed Senate bill No. 73—a bill to amend sections fifteen and sixteen of an act entitled “An act for the incorporation of towns and defining their powers, providing for the election of the officers thereof, and declaring their duties,” approved June 11, 1852, and providing for the election of the town marshal by the town trustees, and declaring an emergency.

Also, engrossed Senate bill No. 106—a bill to prescribe the qualifications of petit jurors in the several courts of the State, and find the same correctly engrossed.

Senate bill No. 46—a bill repealing section forty-one of an act entitled “An act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contest thereof,” and declaring an emergency.

Which was read a second time.

Mr. Dittemore moved that the bill do lie on the table.

Which was agreed to.

Senate bill No. 78—a bill to amend section nineteen of an act entitled “An act prescribing the powers and duties of justices of the peace in State prosecutions, approved May 29th, 1852, and declaring an emergency.

Which was read a second time.

Mr. Bunyan moved that the bill be indefinitely postponed.

Messrs. Boone and Harney demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beeson, Bird, Bowman, Brown, Bunyan, Carnahan, Dittemore, Fuller, Francisco, Gregg, Howard, Oliver, Orr, Slater, Smith, Steele, Stroud and Thompson—18.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Boone, Cave, Chapman, Collett, Daggy, Daugherty,

Dwiggins, Glessner, Gooding, Harney, Haworth, Neff, Ringo, Sarnighausen and Winterbotham—17.

So the motion to indefinitely postpone the bill was agreed to.

Message from the House by Mr. Nixon, Clerk thereof.

MR. PRESIDENT: .

I am directed by the Speaker of the House of Representatives to inform the Senate, that he has signed the following enrolled acts to-wit:

Enrolled act No. 27, H. R. An act regulating interest on judgments.

Enrolled act No. 211, H. R. An act supplemental to an act entitled "An act to establish a female prison and reformatory institution for girls and women, &c., and the same are submitted to the Senate for the signature of the President thereof

I am also directed to inform the Senate that the House has passed the following bills, to-wit:

Engrossed House bill No. 421—a bill fixing the terms of the Circuit court of Dearborn county.

Engrossed House bill No. 422—a bill fixing the terms of the Common Pleas of Dearborn county.

And the same are herewith submitted to the Senate for its action thereon.

By unanimous consent Mr. Carnahan introduced Senate bill No. 266—an act to require surviving partners to file inventories and appraisements in the office of the Clerk of the Circuit court, and to report the liabilities of such firms and to execute bond for the assets of said firms and making provisions for violations thereof.

Which was read a first time.

By unanimous consent of the Senate, Mr. Dittemore submitted the following report:

S. J.—23

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred House bill No. 188—a bill to amend section 433 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law and provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18th, 1852, have had the same under consideration and have directed me to report the same back with the following amendments :

“ When an execution against the property of any person is issued to the sheriff, he shall serve said execution upon the defendant or defendants in said county and levy the same if not paid upon property, and make at least one offer to sell the property levied upon within sixty days after said execution comes to his hands, if property can be found, unless otherwise directed by the plaintiff or plaintiffs, or his or their agent,” and strike out the remainder of the section, and when so amended recommend its passage.

Which was concurred in.

Mr. Glessner by unanimous consent of the Senate submitted the following report :

MR. PRESIDENT :

The Committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill, No. 201—entitled an act supplemental to section seven of an act defining misdemeanors, &c., have had the same under consideration and have directed me to report the same back with the recommendation that it be indefinitely postponed.

Which was concurred in.

Mr. Chapman moved that when the Senate adjourn, it stand adjourned until Monday next at 2 o'clock p. m.

It was agreed to.

By unanimous consent, Mr. Neff, introduced Senate bill No. 267—a bill requiring license for certain purposes therein specified.

Which was read a first time.

By unanimous consent Mr. Cave introduced Senate bill No. 268—a bill to authorize the transfer of funds raised under the provisions of an act for the relief of families of soldiers, &c., under the provisions of an act approved March 4th, 1865, to the common school fund.

Which was read a first time.

By unanimous consent Mr. Bunyan, introduced Senate bill No. 269—a bill allowing county commissioners to reimburse marshals and constables for expenses incurred in certain cases therein named and declaring an emergency.

Which was read a first time.

By unanimous consent, Mr. Thompson introduced Senate bill No. 270—a bill to authorize incorporated cities containing a population of forty thousand or upwards, to purchase and use for certain purposes real estate lying within the corporate limits of such city.

Which was read a first time.

By unanimous consent, Mr. Orr introduced Senate bill No. 271—an act to amend section two of an act entitled "An act providing for the organization of county boards, and prescribing some of their powers and duties," approved June 17th, 1852.

Which was read a first time.

By unanimous consent, Mr. Ringo introduced Senate bill No. 272—a bill providing that all judgments, fines, forfeitures and costs hereafter in favor of or awarded to the State of Indiana, shall be collectable without any relief from the valuation or appraisement laws of the State.

Which was read a first time.

The President announced that he had signed enrolled act of the House No. 211, also enrolled act of the House No. 27.

Mr. Dougherty moved that the Senate do now adjourn.

It was not agreed to.

By unanimous consent, Mr. Collett introduced Senate bill No. 273—a bill relating to the construction of railroads, and concerning matters thereunto appertaining.

Which was read a first time.

Mr. Harney, from the Committee on Roads, presented the following report:

MR. PRESIDENT:

The Committee on Roads, to whom was referred Senate bill No. 180, entitled "An act making the township trustee of each civil township superintendent of roads and highways in his township, and prescribing his duties thereto, and fixing a commutation road tax in lieu of road labor, and repealing all laws in conflict with this act," have had the same under consideration, and direct me to report back the following as a substitute. Strike out all after the enacting clause, and insert the following, to-wit:

SECTION 1. That the township trustee of each civil township of this State shall, by virtue of his said office, be superintendent of roads and highways in his township. His duties shall be,

1st. To take charge of all roads, highways and bridges in his township, and cause the same to be kept in as good repair as the prudent use of the means in his hands will permit.

2d. To execute all orders of the board of county commissioners of his county, for opening changing or locating any road or highway in his township.

3d. To have control of all the funds of his township for road, highway and bridge puposes.

4th. To see that all the roads, highways and bridges are of the width required by law. In case the township trustee has been elected and qualified previous to the taking effect of this act, such trustee shall give an additional bond and take an oath, as when first assuming the duties of his office.

SEC. 2. Such township trustee, with the concurrence of the board of commissioners of his county, shall, annually, in the month of June, assess a poll tax for highway purposes, to be known as commutation road tax, of two dollars upon each able bodied man, who is a resident of his township, over the age of twenty-one

and under the age of fifty years, except idiots, insane, deaf and blind persons, and such persons as may be unable to pay such tax on account of physical infirmity and poverty, and shall also levy a road tax of not exceeding fifty cents upon each one hundred dollars on the property of his township liable to taxation for State purposes, and report the same to the county auditor, who shall enter the same upon the proper tax duplicate in a separate column, and the county treasurer shall collect the same as other taxes are collected, and all money so collected, together with all other money due the township, or any part or district thereof, for road purposes, shall be paid to the township trustee by the treasurer, upon warrant of the county auditor. All poor persons exempt from poll tax, as provided in this section, shall procure from the trustee a certificate of such exemption, and shall produce the same for the inspection of the assessor when called upon for list of poll and property for taxation.

Sec. 3. In case there is an incorporated town in his township the trustee shall pay over to the treasurer of such town one-half of the money collected on poll and taxable property in such incorporated town for road purposes, to be used on the streets of said town: *Provided*, where an incorporated city is situated in whole or in part in such township, it shall be exempt from all provisions of this act.

Sec. 4. All roads running on township or county lines are assigned for construction and repairs as follows: Roads running north and south, the north half is assigned to the township on the west side of such lines, and the south half is assigned to the township or townships on the east of such lines, and roads running east and west, the west half is assigned to the township on the south of such lines, and the east half is assigned to the township or townships on the north of such line, and the roads and highways so assigned shall be under the control, and kept in order by the trustee of the township to which they are assigned.

Sec. 5. The township trustee shall in the month of April, May and June of each year, first put all the highways of his township in good ordinary repair, and with such other means as may be in his hands proceed to do work denominated extraordinary, upon some portion of the highways of his township, which are mostly

traveled, and by judicious ditching, draining and making embankments, and grading and building bridges, construct a road with a surface of not less than eighteen feet in width, and where the material is within his reach, may cover nine feet in width of such road with gravel, or any material that will make a hard surface, and shall expend all available means in his hands, by the 15th of November of each year.

SEC. 6. In determining the amount and character of such extraordinary work, which shall first be done, on any highways, or part thereof, the trustee shall take into consideration its importance to the traveling public, and its convenience to gravel, stone, or other material to be used in its construction, and whenever the citizens interested in the permanent improvement of any highway of public importance, shall by donation, ditch, drain, gravel, and embank such highway in such manner as is contemplated in this act, such trustee shall contribute and perform work thereon equal in value to such donation; of a permanent character as is prescribed in section five of this act and such values may be determined by a civil engineer, employed by the township trustee, and for making plans, specifications and estimates for earth work and bridges, and estimating values of labor and material, such trustee may employ a competent engineer at reasonable wages.

SEC. 7. All work denominated "ordinary" and also all ditches, drains, grades and embankments of extraordinary character, shall be done in the months of April, May and June, and all other work shall be done between the first day of April and the 15th day of November of each year, except building of bridges which may be done at any season of the year, provided that the trustee may at any time execute all orders of the board of county commissioners in reference to roads.

SEC. 8. The township trustee shall each year appoint one road master in his township and may appoint as many others as he may deem necessary for the judicious performance of the work and expenditure of the road fund within the time provided by law, and such road master shall take an oath for the faithful performance of his duties and give bond with good security, conditioned for the faithful discharge of his duties in a sum not less than two hundred dollars which bond shall be deposited with the township trustee.

SEC. 9. It shall be the duty of such road-master under the direction of the trustee to employ laborers, mechanics and teams at specified wages, such as is usual in the township for such class of work, and such employees shall work ten hours each day or such length of time as may be a day's labor in his township. And such road-master shall be responsible for the performance of the work in the manner directed by the trustee or engineer employed by him.

Such road-master shall keep the time of the hands employed by him, and for cause may dismiss any hand, and for payment of his hands shall give an order on the township trustee, which order, with the endorsement of the payee thereon, shall be a sufficient voucher for said trustee in his annual settlement with the Board of County Commissioners.

SEC. 10. Such road-master shall be held as the agent of the township trustee, and may at any time be discharged by him for good cause, and for each day actually employed in work on any highway, he shall receive from the trustee for his services any sum agreed upon, not to exceed two dollars per day, and his time-book for each month shall average twelve hours each day counting hands, which are used for each team employed by him.

SEC. 11. Such township trustee shall upon taking effect of this act become the custodian of all the tools, materials and other property pertaining to roads which has been held by the different road districts of his township as heretofore organized, and shall, as far as practicable, collect the same together and provide a place for their safe keeping; such trustee may purchase such other tools or material as may be necessary for the use of roads, and highways and for all articles purchased for such use he shall take a receipt from the vendor of the same.

SEC. 12. The township trustee shall, at the expiration of his term of office, make out a schedule of all the property belonging to his township appertaining to roads and turn the property over to his successor, which schedule shall be copied upon the township record.

He shall also deliver to his successor all money on hand for road purposes taking his receipt as a voucher for the same. Such trustee shall also at the next meeting of the Board of County Commissioners, after the expiration of his term of office make a com-

plete settlement to the satisfaction of such board by a balance sheet showing all the money received for road purposes as superintendent of roads and highways, and also for all money paid out, producing receipts and vouches for each item of expenditure, which balance sheet and vouchers when passed upon shall be filed in the office of the County Auditor as one paper only. And the Board of Commissioners shall make an allowance to such trustee of two dollars and fifty cents for each day he was employed as superintendent of highways as shown by his sworn account for the same.

And for a failure to make a satisfactory settlement within the time prescribed, he shall be liable on his own official bond. Such trustee shall, during his term of office, make such entries and records upon his books with reference to roads and highways as is now prescribed by law in discharging his other official duties.

SEC. 13. The township trustee, in his discretion, may let out any portion of the work to be done, where the probable cost of the same shall exceed one hundred dollars; and for this purpose he shall cause plans and specifications to be made out, and kept for public inspection, and shall cause notices of the letting of such work to be posted up in three of the most public places in his township, giving time and place of letting such contracts, together with a brief description of the proposed work, and inviting contractors to submit sealed bids for doing the same. The trustee shall make and adopt such rules and regulations respecting the manner and time of doing the work, and the payment therefor, as he may deem proper. Such work shall be let to the lowest responsible bidder: *Provided*, the trustee may reject any or all bids for such work, when he shall deem the public interest requires it.

SEC. 14. Any person who shall injure any dam, drain, embankment, ditch, or other construction, made for the protection of any highway or bridge, or who shall wilfully destroy any guide-post, or deface any inscription or device thereon, or who shall unnecessarily and to the hindrance of passengers obstruct any highway or bridge, and who shall, when driving any vehicle, fail to keep to the right when meeting another vehicle, so as to allow it to pass without injury, for every such offense such person shall forfeit the sum of five dollars, to be recovered before any justice of the peace of the county in the name of the township trustee; and in the case of such obstruction, for every day the same is continued, such sum

shall be recovered; and in all cases such trustee, in three days after receiving information of any such forfeiture, shall commence such suit, and the same so recovered thereon shall be paid to the trustee of the township for the benefit of the highways of such township.

SEC. 15. The road master, or any other person by his order, may enter upon any land adjoining or in reach of any highway which is being improved, and thereupon construct such ditches, drains and dams, and may dig and remove any gravel, stone, earth, sand, or cut or remove any wood or trees that may be necessary for the proper construction, repair, or preservation of any such highway, and any person aggrieved may petition the township trustee for an assessment of damages occasioned thereby; and in such cases such trustee shall appoint three disinterested persons in such township to view the locality where the grievance was committed, and assess such damages within twenty days after such appointment. They shall first take an oath to faithfully discharge their duties before some officer authorized to administer oaths, and such viewers shall make report thereof within ten days after such assessment to such trustee, having just given notice thereof to the complainant, and such trustee shall order the damages assessed to be paid out of the township treasury, unless such trustee should deem such award unreasonable; in such case, he may reduce the amount

SEC. 16. When a highway running through or bordering on any plantation shall become obstructed, the owner or occupant of such plantation shall remove such obstruction as soon as the same has come to his knowledge, for which the trustee shall pay a reasonable compensation, unless such obstruction was caused by said owner or occupant, in which case he shall remove the same without compensation.

SEC. 17. All trees standing or laying on land over which any highway shall be laid out, shall belong to the owner of such land if he shall avail himself of the same before the trustee is required to open such highway; but all such trees or down timber, or other material, may be taken and used by such trustee for construction or repair of such highway.

SEC. 18. The township trustee shall erect, and keep at the forks of every highway, and at every crossing of roads within his town-

ship, guide-posts and boards with proper inscriptions and devices thereon.

SEC. 19. Every township trustee in this State is hereby empowered to administer oaths in all cases touching and necessary to the prosecution of the business of his township.

SEC. 20. In all acts or parts of acts now in force in this State, where reference is made to supervision of roads, the same shall hereafter be considered as referring to the township trustee, so far as the same can be made applicable.

SEC. 21. All acts or parts of acts coming in conflict with the provisions of this act are hereby repealed.

On motion of Mr. Daggy, the Senate adjourned.

G. W. FRIEDLEY,
President of the Senate.

MONDAY MORNING.

FEBRUARY 3, 1873, 10 O'CLOCK.

Senate met.

On motion, the further reading of the journal of Saturday was dispensed with.

Mr. Scott moved to suspend the order of business, and take up introduction of bills.

Which was agreed to.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following joint resolution, to-wit:

House Joint Resolution No. 15—a joint resolution relative to the agreement between the States of Indiana and Ohio on the subject of the Wabash and Erie canal—and the same is herewith submitted to the Senate for its action thereon.

Engrossed House Resolution No. 15—a joint resolution relative to the agreement between the States of Indiana and Ohio, on the subject of the Wabash and Erie canal.

Senate bill No. 274, introduced by Mr. Scott—an act to amend the act of February 20, 1867, relating to the capital stock of County Agricultural, Mechanical and Horticultural Societies of Indiana, and authorizing such societies to increase and fix the same.

Which was read a first time.

Senate bill No. 275, introduced by Mr. Gooding—a bill granting the consent of the State of Indiana to the purchase by the United States of lands for the purpose of the erection of custom house, post office building and United States court house, ceding jurisdiction over the same to the United States, and exempting the same, together with the property thereon belonging to the United States, from taxation, and providing for the condemnation of land for said purpose.

Which was read a first time.

Senate bill No. 276, introduced by Mr. Thompson—an act repealing section forty-seven of an act entitled “An act defining felonies, and prescribing punishment therefor,” approved June 10, 1852.

Which was read a first time.

Senate bill No. 277, introduced by Mr. Scott—an act to extend the jurisdiction of Judges of the Criminal Courts in relation to *habeas corpus* and restraining orders.

Which was read a first time.

Senate bill No. 278, introduced by Mr. Winterbotham—a bill to amend section 53 of an act entitled “an act to repeal

all general laws now in force for the incorporation of cities and to provide for the incorporation of cities, and prescribing their powers and rights and the manner in which they shall exercise the same and regulate such other matters as properly pertain thereto, approved March 14, 1867, and declaring an emergency.

Which was read a first time and second time by title and referred to the Committee on Corporations.

Senate bill No. 279, introduced by Mr. Gregg—a bill to regulate the stopping of passenger trains in incorporated cities.

Which was read a first time.

Senate bill No. 280, introduced by Mr. Cave—a bill to amend section eleven of an act entitled “an act to provide for a general system of common schools, the officers thereof and their respective powers and duties and matters properly connected therewith and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865.

Which was read a first time.

Mr. Cave moved to suspend the order of business and read Senate bill No. 280 a second time by title.

Which was agreed to.

Senate bill No. 280, introduced by Mr. Cave—a bill to amend section eleven of an act entitled an act to provide for a general system of common schools the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865.

Which was read a second time by title and referred to the Committee on Education.

Senate bill No. 281, introduced by Mr. Collett—an act authoriz-

in ; railroad companies to abandon any part of their line of road, and take up and remove the iron and fixtures from the portion of the line abandoned, to refund donations made for the construction of the part abandoned, and providing for the disposition of the right of way of the part abandoned, together with damages for such abandonment.

Which was read a first time and referred to the Committee on Railroads.

Senate bill No. 282, introduced by Mr. Scott—an act to amend an act entitled an act providing for the organization of county boards and prescribing some of their powers and duties, approved June 17, 1852.

Which was read a first time.

Senate bill No. 283, introduced by Mr. Stroud—a bill to amend an act entitled “An act authorizing county agricultural societies to purchase and hold real estate, approved February 7, 1855, and to authorize such societies to issue capital stock,” and an amendatory act thereby, approved March 11, 1861, shall be amended to read as follows :

“Senate bill No. 283—an act to amend an act entitled ‘An act authorizing county agricultural societies to purchase and hold real estate, approved February 7, 1855, and to authorize such societies to issue capital stock,’ also, amendatory of an act approved March 11, 1861, on the same subject.”

Which was read a first time.

Senate bill No. 284, introduced by Mr. Thompson—a bill authorizing County Treasurers to purchase “Nowland’s Reminiscences” for public libraries.

Which was read a first time, and referred to the Committee on Education.

Senate bill No. 285, introduced by Mr. Carnahan—an act to repeal an act entitled “An act to amend section one of an act entitled an act to amend section three of an act entitled an act for the regulation of weights and measures,” and to restore section one of the above recited act.

Which was read a first time and referred to the Committee on the Judiciary.

Senate bill No. 286, introduced by Mr. Scott—a bill to provide for liens on buildings, and provide for the enforcement of the same.

Which was read a first time.

Mr. Friedley, of Lawrence, moved that the Senate take a recess for ten minutes to receive the Hon. Van Vorhees, Speaker of the House of Representatives of the State of Ohio.

Which was agreed to.

Mr. Hall submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills have carefully compared Senate enrolled act No. 262—an act to change the time of holding the Circuit Court in Huntington County, Indiana, and direct me to report the same correctly enrolled.

Mr. Hall submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills have carefully compared Senate enrolled act No. 2—an act to authorize and regulate the incorporation of banks of discount and deposit in the State of Indiana, and direct me to report the same correctly enrolled.

Senate bill No. 287, introduced by Mr. Oliver—a bill fixing the salaries of the officers of the benevolent institutions.

Which was read a first time, and referred to the Committee on Fees and Salaries.

Senate bill No. 288, introduced by Mr. Slater—a bill relating to interest.

Which was read a first time.

Mr. Dittemore offered the following resolution:

WHEREAS, There is now in the hands of the Secretary of State

eleven reams of congress letter paper, with printed letter heads, and,
WHEREAS, said letter paper is wholly unfit for use in any of the State offices. Therefore be it

Resolved, That the Secretary of State be instructed to divide the same equally with the members of the Senate, including the Lieut. Governor.

Which was adopted.

Mr. Oliver offered the following resolution :

WHEREAS, From the beginning of this session the duties of the secretaries of the Senate and of the doorkeeper have required the additional help of one clerk for each secretary, and two assistants for the doorkeeper, as already determined by the Senate; and,

WHEREAS, In order to proceed with their duties those officers found it absolutely necessary to employ assistants, and have done so; therefore,

Resolved by the Senate, That said employment be legalized by the Senate, and that employees to the number mentioned be allowed to receive pay for the services already performed from the date of their employment and until discharged by the Senate, and that the President draw his warrant for the same.

Which was adopted.

Mr. Friedley, (of Lawrence,) offered the following :

Resolved, That hereafter it shall be sufficient for the Committee on Phraseology, Arrangement and Enrollment of Bills to report by handing their reports to the secretary of the Senate, who shall cause the same to be properly entered on the journal.

Which was adopted.

Mr. O'Brien moved to suspend the order of business, and take up bills on a second reading.

Which was agreed to.

Senate bill No. 225—an act to provide for the public printing, regulating the prices to be paid therefor, fixing the time and mode

of electing a public printer, defining his duties, establishing a public printing commission, fixing compensation, and repealing all laws coming in conflict with this act.

Which was read a second time by title, and referred to the Committee on Public Printing.

Senate bill No. 233—a bill to enable cities to aid in the construction of manufacturing companies.

Which was read a second time, and referred to the Committee on the Judiciary.

Senate bill No. 234—a bill to prevent hogs from running at large.

Which was read a second time by title, and referred to the Committee on Agriculture.

Senate bill No. 235—a bill to charter the North-Western Synod of the Reformed Church in the United States, consisting of citizens of Indiana and other States.

Which was read a second time by title, and referred to the Committee on Rights and Privileges.

Senate bill No. 236—an act concerning cemeteries.

Which was read a second time by title, and referred to the Committee on Corporations.

Senate bill No. 237—an act to amend the third section of an act entitled "An act providing for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1852, and prescribing the time and manner of the election of boards of commissioners, and their terms of office.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 238—a bill for an act to divide the State into circuits for judicial purposes, fixing the time for holding courts therein, abolishing the Courts of Common Pleas and transferring

the business thereof to the Circuit Courts, and providing for the election of judges and prosecuting attorneys in certain cases.

Which was read a second time by title.

Mr. Glessner moved that the bill be made special order for 10:30 a. m. Wednesday next, and referred to Committee of the Whole Senate.

Which was agreed to.

Senate bill No. 239—a bill authorizing incorporation of cities containing a population of thirty thousand, to make loans and prescribing rules and regulations concerning the loaning of money by such cities.

Which was read a second time by title, and referred to the Committee on County and Township Business.

Senate bill No. 240—a bill to amend the 156th section of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865.

Which was read a second time by title, and referred to the Committee on Education.

Senate bill No. 241—a bill declaring all agreements to pay attorney fees, when contained in any written evidence of indebtedness, as an addition thereto, on a contingency, shall be usurious, illegal and void.

Which was read a second time by title, and referred to the Committee on Rights and Privileges.

Senate bill No. 242—a bill to amend sections seven and eight of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights and the manner in.

which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 13, 1867.

Which was read a second time by title, and referred to the Committee on Corporations.

Senate bill No. 243—an act appointing commissioners to sell certain real estate therein named, and providing that the results of such sale or sales shall be paid into the State treasury, and declaring an emergency.

Which was read a second time by title, and referred to the Committee on County and Township Business.

Senate bill No. 244—an act fixing the compensation of certain officers therein mentioned.

Which was read a second time by title, and referred to the Committee on Fees and Salaries.

Senate bill No. 246—an act entitled "An act for the suppression of the trade in and circulation of obscene literature, illustrations, advertisements and articles of indecent or immoral use, and obscene advertisements of patent medicines and articles for producing abortion, and declaring an emergency to exist.

Which was read a second time by title, and referred to the Committee on Rights and Privileges.

Senate bill No. 248—a bill to provide for exemption from sale on execution of occupied lots in public cemeteries which have been platted and recorded.

Which was read a second time by title, and referred to the Committee on Corporations.

Senate bill No. 249—an act supplemental to an act entitled "An act to provide for a uniform assessment of property and for the collection and return of taxes," approved December, 1872.

Which was read a second time by title, and referred to the Committee on Finance.

Senate bill No. 250—a bill to further prescribe the duties of

Secretary of State, and provide for the necessary arrangements, clerks and expenses of his office.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 251—a bill in relation to donations by individuals to aid in the construction of any railroad.

Which was read a second a time by title, and referred to the Committee on Railroads.

Senate bill No. 252—an act to amend section thirty-one of an act entitled "An act providing for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1852.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 253—a bill to prevent libellous publications.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 254—a bill to amend section sixty of an act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and regulate such other matters as properly pertain thereto, approved March 14, 1867.

Which was read a second time by title, and referred to the Committee on Rights and Privileges.

Senate bill No. 255—a bill to prevent the owners of hogs having the cholera from letting the same run at large.

Which was read a second time by title, and referred to the Committee on Agriculture.

Senate bill No. 245—a bill to provide for the letting of the State printing to the lowest bidder, and providing that the Governor, Secretary of State and Auditor of State, shall be ex-officio commissioners of public printing, and providing for the appointment of

a Superintendent of public printing and abolishing the office of State Printer.

Which was read a second time by title and referred to the Committee on Public Printing.

Senate bill No. 256—a bill to prevent certain officers from using free passes over railroads.

Which was read a second time by title and referred to the Committee on Rights and Privileges.

Senate bill No. 257—a bill concerning public printing, repairs of public buildings or property and rents of property for the State.

Which was read a second time by title, and referred to the Committee on Public Printing.

Senate bill No. 258—an act to prevent betting on elections and providing punishment for the same.

Which was read a second time by title and referred to the Committee on Elections.

Senate bill No. 259—a bill requiring parents, guardians, or other persons having the care and custody of children to send the same to school and providing penalty for neglect thereof.

Which was read a second time by title and referred to the Committee on Education.

Senate bill No. 260—a bill fixing the annual salary of the Adjutant General and Quartermaster General of the State of Indiana, and declaring an emergency.

Which was read a second time by title and referred to the Committee on Military Affairs.

Senate bill No. 261—an act to amend section one of an act entitled "An act to amend the 33d section of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms and to provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity," approved June 18, 1852, approved March 9, 1861.

Which was read a second time by title and referred to the Committee on the Judiciary.

Senate bill No. 263—an act authorizing married women to sell and convey certain interests in real estate and regulating rights connected therewith.

Which was read a second time by title and referred to the Committee on the Judiciary.

Senate bill No. 264—a bill to amend the fourth, fifth, twenty-sixth, thirty-fifth, forty-third and fifty-eight sections of an act entitled "An act granting to the citizens of the town of Evansville, in the county of Vanderburgh, a city charter," approved January 27, 1847.

Which was read a second time by title and referred to the Committee on Corporations.

Senate bill No. 266—a bill to require surviving partners to file inventories and appraisements in the office of the Clerk of the Circuit Court, and to report the liabilities of such firm, and to execute bond for the assets of said firms, and making provisions for violations thereof.

Which was read a second time by title, and referred to the Committee on Corporations.

Senate bill No. 267—a bill requiring license for certain purposes therein specified.

Which was read a second time, and referred to the Committee on Corporations.

Senate bill No. 268—an act to authorize the transfer of funds raised under the provisions of an act for the relief of families of soldiers, &c., under the provisions of an act approved March 4, 1865, to the Common School Fund.

Which was read a second time, and referred to the Committee on Education.

Senate bill No. 269—a bill allowing Boards of County Commissioners to reimburse marshals and constables for expenses in certain cases therein named, and declaring an emergency.

Which was read a second time, and referred to the Committee on County or Township Business.

Senate bill No. 270—a bill to authorize incorporated cities containing a population of forty thousand or upwards to purchase and use for certain purposes, real estate lying without the corporate limits of such cities.

Which was read a second time by title and referred to the Committee on Corporations.

Senate bill No. 271—an act to amend section two of an act entitled "An act providing for the organizations of county boards, and prescribing some of their duties," approved June 17, 1852.

Which was read a second time by title, and referred to the Committee on County and Township Business.

Senate bill No. 272—a bill providing that all judgments, fines, forfeitures and costs hereafter, in favor of the State of Indiana, shall be collectable without relief from valuation or appraisement laws of the State.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 273—a bill relating to the construction of railroads, and concerning matters thereto appertaining

Which was read a second time by title and referred to the Committee on Railroads.

Engrossed House bill No. 213—a bill defining cruelty to animals, declaring it a misdemeanor, and providing a penalty therefor.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Engrossed House bill No. 307—a bill for the relief of Ensley Wilson, declaring the title of the State of Indiana to certain lands described therein to be vested in the said Wilson, his heirs and assignees, and declaring an emergency.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Engrossed House bill No. 146—a bill to prevent the obstruction of ditches, drains and running streams, and prescribing penalties or the violation of the provisions of this act.

f

Which was read a second time by title, and referred to the Committee on Agriculture.

Engrossed House bill No. 100—a bill in relation to the laying out, opening, widening, altering, and vacations of streets, alleys and highways, and for cleaning and altering of water-courses by the cities of this State, and providing for the appointment of commissioners to assess benefits and damages, prescribing their duties and the method of procedure, and providing for the benefits and payment of damages, and prescribing the duties of city officers in relation thereto, and providing remedies in such matters.

Which was read a second time, and referred to the Committee on County and Township Business.

Engrossed House bill No. 208—a bill to legalize the official acts of the several boards of trustees of the town of Mooresville, Morgan county, Ind., and to legalize the acts of the incorporation thereof, and all other officers of said corporation, under "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Engrossed House bill No. 245—a bill providing for the parolling of prisoners who may be confined in any county jail for the non-payment of fines, which may have been adjudged against them upon conviction of public offenses.

Which was read a second time by title, and referred to the Committee on Prisons.

Engrossed House bill No. 314—a bill to prevent negligent or careless riding or driving on public highways.

Which was read a second time by title, and referred to the Committee on Rights and Privileges.

Engrossed House bill No. 330—a bill for an act supplemental to an act fixing the per diem and mileage of members of the General Assembly, and providing that they shall provide their own stationery, approved December 19, 1872.

Which was read a second time by title, and referred to the Committee on Fees and Salaries.

Engrossed House bill No. 332—a bill to authorize the enlargement of the House of Refuge for juvenile offenders, and making appropriations therefor, and declaring an emergency to exist.

Which was read a second time by title, and referred to the Committee on Reformatory Institutions.

Engrossed House bill No. 225—a bill to amend section two of an act entitled an act to provide for the protection of wild game, and defining the time in which the same may be taken or killed, and providing the penalty for violation of the same, approved March 11, 1867, and also providing for the protection of certain birds therein named and their eggs, and affixing a penalty.

Which was read a second time by title and referred to the Committee on Rights and Privileges.

Mr. Collett made the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills report that they have this day presented to his Excellency the Governor for his approval, House Enrolled act No. 27—an act regulating interest on judgments.

Also Enrolled House act No. 211—an act supplemental to an act entitled "An act to establish a female prison and reformatory institution for girls and women," &c.

House bill No. 81—a bill to amend sections two, three, four and six, of an act to provide for the relocation of county seat and for the erection of public buildings, in counties in cases of such relocation, approved March 2, 1855, to amend section two of an act amendatory of said act, approved Dec. 18, 1863, and to amend

section two of an act amendatory of said act, approved February 24, 1868.

Which was read a second time and referred to the Committee on the Judiciary.

Message from the House by Mr. Nixon, Clerk thereof :

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled acts, to-wit :

Enrolled act No. 262—Senate of Indiana—an act to change the time of holding the Circuit Court in Huntington county, Indiana.

Enrolled act No. 2 of the Senate—an act to authorize and regulate the incorporation of banks of discounts and deposit in the State of Indiana, and the same are herewith submitted to the Senate for the signature of the President thereof.

Engrossed House bill No. 59—a bill to amend section six of an act entitled an act to amend an act entitled an act providing for the election or appointment of supervisors of highways and prescribing certain of their duties and those of county and township officers in relation thereto, approved March 5, 1859; approved December 20, 1865.

Which was read a second time and referred to the Committee of the Whole and made a special order for 3 o'clock, p. m., Feb. 5th.

Engrossed House bill No. 76—a bill to amend an act to enable the owners of wet lands to drain and reclaim them where the same cannot be done without affecting the lands of others, and prescribing the powers and duties of County Boards and County Auditors in the premises, and repealing all laws inconsistent therewith, approved March 11, 1867, by amending sections one, three, four, six, nine, eleven and twelve.

Which was read a second time.

Mr. Smith moved to have the bill referred to the Committee on Swamp Lands.

Which was agreed to.

House bill No. 71—a bill to amend section sixty of an act entitled “An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 14, 1867.

Which was read a second time and amendments ordered engrossed.

Engrossed House bill No. 64—a bill making the first day of January, the fourth day of July, the twenty-fifth day of December, Thanksgiving and the days of General Elections, State and Presidential, holidays, and to regulate the maturity of commercial paper falling due on said days.

Which was read a second time and amendments ordered engrossed.

House bill No. 162—a bill to authorize cities to correct erroneous listing, description and assessment of real estate liable to city taxes, and when so corrected to collect all taxes due thereon; and to list, assess and collect taxes on any property liable to city taxes of any person or persons who have furnished the assessor with a false or defective statement of his or their property or the value thereof.

Which was read a second time.

Engrossed House bill No. 219—a bill to regulate the sale of drugs and medicines and fixing penalties for violation of the same.

Which was read a second time and amendments ordered engrossed.

House bill No. 50—a bill to amend the fifth section of an act entitled, “An act to discourage the keeping of useless and sheep-killing dogs and providing penalties for the violation of any of the provisions of said act by officers and others, and also repealing an act to license dogs,” approved March 11, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled, “An act for the protection of sheep,” approved June 15, 1852, prescribing the duties of township trustees in relation thereto—adding an additional section, and declaring an emergency.

Which was read a second time and recommitted to the Committee on Temperance.

Engrossed House bill No. 112—a bill to render wives competent to testify in actions brought for injuries done to them.

Which was read a second time.

Engrossed House bill No. 210—a bill to amend the twentieth section of an act approved May 13, 1869, and entitled "An act to establish a Female Prison and Reformatory Institution for Girls and Women, and to provide for the organization and government thereof, and making appropriations."

Which was read a second time.

Engrossed House bill No. 128—a bill empowering the board of trustees of any incorporated town within this State to compel owners of lots to plant, maintain and protect shade trees within the same.

Which was read a second time.

Mr. O'Brien moved that the bill lie on the table.

Which was agreed to.

Mr. Fuller moved that the Senate do now adjourn.

Which was not agreed to.

Engrossed House bill No. 198—a bill to amend sections fifteen, nineteen, thirty-one and forty-nine of an act approved May 12, 1869, entitled "An act providing for the organization of savings banks and the safe and proper management of their affairs."

Which was read a second time, and the amendments ordered engrossed.

Engrossed House bill No. 299—a bill to allow bounty for fox scalps, providing for the payment thereof, prescribing the duties of county treasurers and clerks in relation thereto, and authorizing county commissioners to allow additional bounty for such scalps.

Which was read a second time by title, and referred to Committee on Agriculture.

Senate bill No. 247—a bill to provide against usury.

Which was read a second time by title, and referred to the Committee on Rights and Privileges.

The President announced that he had signed Senate act No. 262, and Senate act No. 2.

House bill No. 170—a bill to amend sections 157 and 664 of an act to revise, simplify and abridge the rules, practice, &c.

Which was read a second time, and amendments ordered engrossed.

Engrossed House bill No. 8—a bill to prevent hunting and shooting on enclosed lands without consent of the owner or occupant thereof, and providing a penalty therefor.

Which was read a second time.

Mr. Boone offered the following amendments:

SECTION 1. That any person or persons who shall enter in or upon any enclosed lot or land of another without the consent of the owner thereof first being had for that purpose, discharge any fire arm or fire-arms by shooting any pistol, revolver, shot gun, rifle or other fire-arm, or who shall without such consent enter in or upon any such lot or land with a dog or dogs, horses, men or boys, with the purpose to chase or hunt game thereon, and shall allow such dog or dogs, men or boys, to trample or run over any part of such inclosure for such purpose, or shall allow such dog or dogs to worry or chase any domestic animal thereon, not owned or possessed by such person, or who without such consent shall actually chase or hunt with a dog or dogs, men or boys, any such game, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding twenty-five dollars for every such offense. *Provided*, That no such prosecution shall be entertained except the same be done by and with the consent of the owner of such lot or lands so entered, trespassed upon, as aforesaid.

Mr. Friedley, of Lawrence, moved to refer the bill and amendments to the Committee on the Judiciary.

Mr. Glessner moved to lay the motion on the table.

Which was not agreed to.

The question being on the reference of the bill to the Committee on the Judiciary,

It was agreed to.

Mr. Dittemore moved that the Senate do now adjourn.

Which was agreed to.

[Signed]

LEONIDAS SEXTON,
President of the Senate.

TUESDAY MORNING.

FEBRUARY 4, 1873, 10 O'CLOCK A. M.

Senate met.

Prayer by the Rev. Dr. Clark, of the city of Indianapolis.

Pending the reading of the Journal, on motion by Mr. Fuller, the further reading thereof was dispensed with.

Mr. Dittemore moved to suspend the order of business, and take up House bills on second reading.

Which was agreed to.

HOUSE BILLS ON SECOND READING.

Engrossed House bill No. 200—a bill to authorize and empower boards of county commissioners to legalize local county bounty to soldiers, to issue bonds or orders therefor, to levy and collect taxes for the redemption of such bonds or orders, declaring how such

taxes may be collected, when such bonds or orders may be issued, the time when they shall be paid, the rate of interest thereon, and legalizing such as have been issued, and declaring an emergency.

Which was read a second time.

Mr. Boone offered the following amendment:

Amend the second section by adding the following: *And provided further*, that the provisions of this act shall not apply to any county which shall have fully paid such bounties to all soldiers filling the quota of such county, according to the term of the order of the board of commissioners allowing such bounties before the passage of this act.

Mr. Dittemore moved to lay the amendment on the table.

Messrs. Boone and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Bird, Carnahan, Chapman, Collett, Dittemore, Friedley (of Lawrence), Gregg, Haworth, Howard, Orr and Steele—11.

Those who voted in the negative were, Messrs. Armstrong, Beeson, Boone, Bowman, Brown, Cave, Daugherty, Dwiggin, Fuller, Francisco, Glessner, Hall, Miller, Neff, Oliver, Rhodes, Scott, Slater, Steele, Smith, Stroud, Taylor, Thompson, Wadge and Winterbotham—25.

So the motion to lay on the table was not agreed to.

The question being on the adoption of the amendment.

Which was adopted.

Engrossed House bill No. 218—a bill to amend section 208 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a second time.

Engrossed House bill No. 174—a bill to amend section twelve of an act entitled “An act to repeal all laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same and to regulate such other matters as properly pertain thereto,” approved March 14, 1867.

Which was read a second time.

Mr. Hall offered the following report from the Committee on Engrossed Bills.

MR. PRESIDENT :

The Committee on Engrossed Bills have compared Senate bills Nos. 4, 13 and 157, and report the same correctly engrossed.

In bill No. 4, an attempt has been made to have that law agree with the late act passed at special session, providing for a uniform assessment of property, &c., and the committee recommend that the engrossed bill be amended by striking out word “second,” in last line of the second section, and insert words “sixty-fourth,” strike out the word “April” in line eight, section second, and insert “May.”

Engrossed House bill No. 178—a bill to amend section one of an act entitled “An act to amend section seventy-seven of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings, and forms, in criminal actions in the courts of this State,” approved June 17, 1852; approved December 20, 1865.

Which was read a second time and referred to the Committee on Printing with instructions to inquire into the propriety of writing the journal of the Senate in a book.

Engrossed House bill No. 136—a bill to amend section 647 of an act entitled “An act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the Courts of this State,” etc.

Which was read a second time.

Engrossed House bill No. 130—a bill to render uniform the rate of interest on the common school funds of the State of Indiana.

Which was read a second time.

Mr. Dwiggins moved to amend the emergency clause by striking out "as there is no law now in force."

Which was agreed to, and the amendment ordered engrossed.

Engrossed House bill No. 138—a bill to amend the third section of an act entitled "An act to authorize cities and towns to regulate and sell bonds to procure means with which to erect and to complete unfinished school buildings, and pay debts contracted for the erection of such buildings, and authorizing the levy and collection of an additional special school tax for the payment of such bonds," approved March 11, 1867.

Which was read a second time, and the amendments ordered engrossed.

Engrossed House bill No. 188—a bill to amend section 433 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a second time, and the amendments ordered engrossed.

Mr. Orr presented a petition from the citizens of Delaware county relative to dams or other obstructions to the free flow of water in their natural channels.

Which was referred to the Committee on Rights and Privileges.

The petition heretofore presented by Mr. Slater, asking for an appropriation for the early completion of the Institution for Women and Girls was taken from the hands of the Committee on Benevolent Institutions, and referred to the Committee on Reformatory Institutions.

Mr. Orr presented the claims of John Jones, Elijah H. Roderick, David J. Roderick and Leonard Klein for services in the Burson case.

Which was referred to the Committee on Claims.

Mr. Taylor offered the following report:

MR. PRESIDENT:

The committee to whom was referred that portion of the message of Governor Baker which recommends the General Assembly to memorialize Congress in regard to extending the time in which to place in operation the Agricultural College of the State, known as Purdue University, beg leave to report that Senator Morton's bill extending the time, which passed the United States Senate at the last session, passed the House of Representatives on the 15th of January, and that no necessity now exists for memorializing Congress on the subject.

Which was concurred in.

Mr. Wadge presented petition of Owen M. Eddy relative to the indexing records of the State.

Which was referred to the Committee on the Judiciary.

Engrossed House bill No. 167—a bill to preserve the original manuscript journals of the Senate and House of Representatives of the General Assembly, and prescribing a penalty for the destruction thereof.

Which was read a second time, and referred to the Committee on Printing.

Engrossed House bill No. 118—a bill making the parties competent witnesses as to certain matters in action by executors or administrators upon contracts assigned to the decedent.

Which was read a second time.

Mr. Fuller offered the following report from the Committee on Education:

MR. PRESIDENT:

The Committee on Education, to whom was referred Senate S. J.—25

bill No. 190—a bill to legalize certain defective and irregular assessments and proceedings of Boards of Equalization for the years 1871 and 1872, in incorporated cities—have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

Which was concurred in.

MAJORITY REPORT.

Mr. Scott submitted the following report :

MR. PRESIDENT :

The Committee on Education, to whom was referred House bill No. 155—an act amendatory of the act providing for a general system of common schools, and providing for the election of a board of commissioners by the people in all cities having a population of eight thousand and over, with other provisions—have had said bill under advisement, and a majority of said committee have instructed me to report the bill back to the Senate, with a recommendation that the same be passed.

Mr. Fuller submitted the following report :

MR. PRESIDENT :

The Committee on Education, to whom was referred House bill No. 155, have had the same under consideration, and a minority of said committee have instructed me to report the same back to the Senate, and request that the same be laid on the table, believing that politics and sectarian notions should find no avenues to creep into our public schools.

Mr. Scott moved that the bill and reports be made a special order for 10:30 o'clock A. M. on Thursday next.

Which was agreed to.

Mr. Taylor submitted the following report :

MR. PRESIDENT :

The majority of the Committee on Education, to whom was referred Senate bill No. 170, making an appropriation of \$100,000

to the State Agricultural College, known as Perdue University, have had the same under consideration, and would ask leave to report that owing to the depleted State of the Treasury, have thought proper to reduce the amount to be appropriated to \$60,000, to be divided into equal annual installments of \$30,000 each, and that when so amended would recommend the passage of the bill.

MINORITY REPORT.

Messrs. Fuller and Hough submitted the following report:

MR. PRESIDENT:

The Committee on Education to whom was referred Senate bill No. 170—a bill making an appropriation to the Perdue University—have had the same under consideration, and a minority of said committee have directed me to report the same back to the Senate, and recommend that the same be laid on the table.

Mr. Fuller moved to make the reports and bill a special order for two o'clock P. M. on Thursday next.

Which was not agreed to.

Mr. Glessner moved to lay the minority report on the table.

Messrs. Slater and Neff demanded the ayes and noes:

Those who voted in the affirmative were; Messrs. Armstrong, Beeson, Bird, Boone, Brown, Bunyan, Carnahan, Daugherty, Dwiggins, Francisco, Friedley (of Lawrence), Glessner, Hall, Howard, O'Brien, Oliver, Sarnighausen, Scott, Steele and Taylor
—20.

Those who voted in the negative were, Messrs. Bowman, Cave, Chapman, Collett, Dittemore, Fuller, Gooding, Gregg, Haworth, Miller, Neff, Orr, Ringo, Slater, Sleeth, Stroud and Winterbotham
—17.

So the motion to lay on the table was agreed to.

The question being on the adoption of the majority report of the committee.

Mr. Bunyan offered the following amendment: Amend by striking out \$60,000 and inserting \$50,000.

On motion of Mr. Brown the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled 2 o'clock p. m.

Mr. Smith submitted the following report from the Committee on Enrolled bills.

MR. PRESIDENT :

The Committee on phraseology and mangement of bills and enrolled bills, have carefully examined engrossed Senate bill No. 160—"A bill to amend an act to incorporate the Lawrenceburg Insurance Co.," and Senate bill No. 56, "A bill to amend sections 22 and 57, of an act entitled an act for incorporation of towns," &c., and Senate bill No. 98—"A bill to prevent carrying concealed or dangerous weapons and to provide punishment therefor," and report the same neatly and correctly engrossed.

Mr. Dwiggins moved to suspend the order of business for the introduction of Joint Resolution No 10.

Which was agreed to.

Mr. Wadge introduced Senate Joint Resolution No. 10—a joint resolution authorizing legal proceedings in regard to the Calumet dam."

The question being, shall the Joint Resolution pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Lawrence,) Glessner, Gregg, Hall, Harney, Haworth, Howard, Miller, Neff, Oliver, Orr, Ringo, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson, Wadge and Winterbotham—37.

So the Joint Resolution passed.

The question being, shall the title as read stand as the title of the Joint Resolution.

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the Joint Resolution.

Pending adjournment was the consideration of Mr. Bunyan's amendment to the report of the majority of the committee on Senate bill No. 170.

Mr. Gooding moved the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being on the adoption of the amendment by Mr. Bunyan.

Those who voted in the affirmative were, Messrs. Bowman, Bunyan, Cave, Chapman, Dittemore, Fuller, Gregg, Haworth, Miller, Neff, Oliver, Orr, Slater, Sleeth and Thompson—15.

Those who voted in the negative were, Messrs. Armstrong, Beeson, Beggs, Bird, Boone, Brown, Carnahan, Collett, Daugherty, Dwiggin, Francisco, Friedley (of Lawrence,) Glessner, Gooding, Hall, Harney, Howard, O'Brien, Ringo, Sarnighausen, Scott, Smith, Steele, Stroud, Taylor, Wadge and Winterbotham—27.

So the amendment was not adopted.

The question being on the adoption of the report of the majority of the committee.

Messrs. Slater and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Beggs, Bird, Boone, Brown, Carnahan, Collett, Daugherty, Dwiggin, Francisco, Friedley (of Lawrence,) Glessner, Gooding, Harney, Howard, O'Brien, Oliver, Ringo, Sarnighausen, Scott, Smith, Steele, Stroud, Taylor, Thompson, Wadge and Winterbotham—28.

Those who voted in the negative were, Messrs. Bowman, Bunyan, Cave, Chapman, Dittemore, Fuller, Gregg, Hall, Haworth, Miller, Neff, Orr, Slater and Sleeth—14.

So the report of the majority of the committee was concurred in.

Mr. Brown moved to suspend the order of business and read Senate bill No. 170 a second time.

It was agreed to.

Senate bill No. 170—an act making an appropriation to Perdue University, and declaring an emergency.

Which was read a second time.

Mr. Slater offered the following amendment :

Amend by inserting the following section :

SEC. 2. That ten thousand dollars be, and the same is hereby, appropriated to the trustees of the Franklin College, to be used by them as an endowment fund. Said money shall be paid to the treasurer of said board of trustees upon the warrant of the Auditor of State, upon demand of said board of trustees.

And that section two be changed to section three.

Mr. Brown moved to lay amendment on the table.

Messrs. Slater and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were Messrs. Armstrong, Beeson, Beggs, Bird, Boone, Brown, Bunyan, Carnahan, Chapman, Collett, Daugherty, Dwiggin, Francisco, Friedley (of Lawrence), Gooding, Hall, Harney, Haworth, Howard, Miller, Neff, O'Brien, Oliver, Orr, Ringo, Sarnighausen, Scott, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge and Winterbotham—35.

Those who voted in the negative were, Messrs. Bowman, Cave, Dittemore, Fuller, Glessner, Gregg and Slater—7.

So the amendment was laid on the table.

Mr. Dittemore offered the following amendment strike out \$60,000 and insert \$55,000.

Mr. Taylor moved to lay the amendment on the table.

Messrs. Dittemore and Slater demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Beggs, Bird, Boone, Brown, Carnahan, Collett, Daugherty, Dwiggins, Francisco, Friedley (of Lawrence), Glessner, Gooding, Harney, Howard, O'Brien, Oliver, Sarnighausen, Scott, Smith, Steele, Stroud, Taylor, Thompson, Wadge and Winterbotham,—27.

Those who voted in the negative were, Messrs. Bowman, Bunnan, Cave, Chapman, Dittemore, Fuller, Gregg, Hall, Haworth, Miller, Neff, Orr, Slater and Sleeth—14.

So the amendment was laid on the table.

Mr. Taylor demanded the previous question on engrossment of the bill.

Which was seconded by the Senate.

The question being shall the main question be now put.

It was so ordered.

The question then being, shall the bill be ordered engrossed ?

It was so ordered.

Mr. Collett, from the Committee on Engrossed Bills submitted the following report :

MR. PRESIDENT :

Your Joint Committee on Enrolled Bills respectfully report that they have this day presented to his excellency, the Governor, for approval Senate Enrolled Act No. 2—an act to authorize and regulate the incorporation of banks, etc.

Also Senate Enrolled Act No. 262—an act to change the time of holding the Circuit Court in Huntington County, Indiana.

Mr. Collett, from the Committee on Enrolled Bills, submitted the following report :

MR. PRESIDENT :

The Committee on Engrossed Bills have had House Engrossed Bill No. 200—a bill to authorize and empower County Commissioners to equalize local county bounty to soldiers, etc., under consideration and find Senate amendment correctly engrossed.

Also House Engrossed Bill No. 188—an act to amend section 433 of an act entitled, "An act to revise, simplify and abridge the rules of practice, etc., and find Senate amendments correctly engrossed.

Message from the House by Mr. Nixon, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following concurrent resolution, to-wit :

Resolved by the House of Representatives, (the Senate concurring), That the Joint Standing Committee on the Public Library are herein instructed to inquire into and examine the condition of the Public Library of the State, its books, paper and stationery accounts and report by bill or otherwise. In which the concurrence of the Senate is respectfully requested.

I am also directed to inform the Senate that the House has passed the following Senate bills, to-wit :

Engrossed Senate bill No. 62—a bill to amend the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th and 13th sections of an act entitled, "An act to incorporate the town of Bluffton," etc.

Engrossed Senate Joint Resolution No. 4—A Joint Resolution authorizing the sale of certain personal property therein mentioned.

And the same are herewith returned to the Senate.

Mr. Friedley (of Lawrence) moved to suspend the order of business, and take up Senate bill No. 4.

Messrs. Friedley and Gregg demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beggs, Boone, Carnahan, Cave, Chapman, Daugherty, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Harney, Howard, Neff, Orr, Ringo, Sarnighausen, Slater, Steele, Stroud, Thompson and Wadge—25.

Those who voted in the negative were, Messrs. Beeson, Bird, Bowman, Bunyan, Collett, Dittemore, Dwiggins, Haworth, Miller, O'Brien, Oliver, Scott, Sleeth, Smith and Taylor—15.

So the motion was agreed to.

Engrossed Senate bill No. 4—a bill to provide for the assessment and collection of taxes for municipal purposes on the shares of stock owners in banks and banking associations doing business in this State.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Beggs, Bird, Boone, Bowman, Bunyan, Carnahan, Cave, Chapman, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Harney, Haworth, Neff, Oliver, Orr, Ringo, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson, Wadge and Winterbotham—36.

Those who voted in the negative were, Messrs. Miller, O'Brien and Sleeth.

So the bill passed,

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed to inform the Senate that the House has passed the following Senate Joint Resolution, to-wit:

Senate Joint Resolution No. 10—a joint resolution authorizing legal proceedings in regard to the Calumet dam.

And the same is herewith returned to the Senate.

Mr. Howard was granted leave to have his name recorded in the affirmative on the passage of Senate bill No. 4.

Mr. Steele moved to suspend the order of business, and take up House Joint Resolution No. 15 and concurrent resolution in regard to the President's Indiana policy.

House Resolution No. 15—a joint resolution relative to the agreement between the States of Ohio and Indiana in regard to the Wabash and Erie canal was taken up.

The question being shall the joint resolution pass?

Those who voted in the affirmative were Messrs. Armstrong, Beeson, Beggs, Bird, Boone, Bowman, Bunyan, Carnahan, Cave, Chapman, Collett, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gregg, Hall, Harney, Haworth, Howard, Miller, Neff, O'Brien, Oliver, Orr, Ringo, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson, Wadge and Winterbotham—39.

No Senator voting in the negative.

So the joint resolution of the House passed.

The question being, shall the title as read stand as the title of the joint resolution?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the joint resolution.

Mr. Harney moved that House Joint Resolution No. 15 be spread at length upon the Journal of the Senate.

Which was agreed to.

Engrossed House Joint Resolution No. 15—a joint resolution relative to the agreement between the States of Indiana and Ohio on the subject of the Wabash and Erie canal.

WHEREAS, The Congress of the United States, by an act approved May 24, 1824, authorized the State of Indiana to survey and mark through the public lands of the United States the route of a canal, afterward known as the Wabash and Erie canal, and afterward, by an act approved March 2, 1827, granted to the State of Indiana a quantity of land to aid said State in building said canal upon certain terms and conditions therein specified ; and,

WHEREAS, A portion of the line of said canal extended through the State of Ohio, which State was equally interested and desirous of building the said canal through her jurisdiction, with the State of Indiana, the Congress of the United States, by act approved May 24, 1828, authorized the said State of Indiana to convey and transfer to the said State of Ohio all the lands granted to the said State of Indiana, to aid in the construction of said canal, which might be within the limits of the State of Ohio, subject to the conditions of the original grant by Congress ; and,

WHEREAS, on the 27th day of January, 1834, the General Assembly of the State of Ohio adopted the following preamble and resolutions, which were communicated to the General Assembly of Indiana on the 3d day of February, 1834, viz. :

WHEREAS, The Congress of the United States has granted to the State of Indiana a quantity of land lying in the State of Ohio to aid such State in opening a canal to unite at navigable points the waters of the Wabash river with those of Lake Erie ; and,

WHEREAS, The State of Indiana is authorized to convey and relinquish to the State of Ohio, upon such terms as may be agreed upon by said States, all the right and interest granted to the State of Indiana to any lands within the limits of the State of Ohio, granted to the State of Indiana for the purpose aforesaid ; and,

WHEREAS, It is understood by this General Assembly that the State of Indiana is desirous of conveying and relinquishing said lands to the State of Ohio, upon condition that the State of Ohio will construct that part of the said Wabash and Erie canal which lies within her limits, within the time limited by the law of the United States for constructing the same, and in all other respects agreeably to the provisions of said law of Congress, and that no higher rates of toll shall be charged to any person using said canal than may be charged to citizens of Ohio for using the same: Therefore,

Resolved by the General Assembly of the State of Ohio, That the State of Ohio does agree to accept from the State of Indiana a conveyance and relinquishment of said lands upon the aforesaid conditions, and Ohio agrees to select said land.

Resolved, That the Governor be requested to forward to the Governor of the State of Indiana a copy of these resolutions, with a request that he lay the same before the General Assembly of Indiana; and,

WHEREAS, On the 1st day of February, 1834, the General Assembly of the State of Indiana, in response to the above preamble and resolutions of the State of Ohio, adopted the following preamble and resolutions, to-wit:

A joint resolution relative to the cession of the Wabash and Erie canal lands which lie in the State of Ohio, approved February 1, 1834:

WHEREAS, The State of Indiana became vested with the right to a quantity of land in the State of Ohio, by the act of Congress of the second of March, 1827, granting certain lands to aid in the construction of a canal to connect at navigable points the waters of the Wabash with those of Lake Erie, and by the subsequent act of Congress to aid the State of Ohio in extending the Miami canal from Dayton to Lake Erie, approved May 24, 1828, the State of Indiana was authorized to convey and relinquish to the State of Ohio, upon such terms as may be agreed upon by said States, all the right and interest granted to the State of Indiana to any lands within the limits of the State of Ohio by the act of Congress aforesaid of the 2d day of March, 1827; and,

WHEREAS: A Joint Resolution of the General Assembly of the State of Ohio, approved the — day of January, 1834, have been communicated to the General Assembly of this State, setting forth the willingness of Ohio to receive the transfer and relinquishment of the canal lands within her jurisdiction from the State of Indiana, and to construct that part of the Wabash and Erie Canal which is situated within her bounds, which measures, if carried into effect by expediting the construction of the canal, and obviating the inconveniences and delays which would necessarily arise from conflicting jurisdictions between the two states, will greatly advance the interests and prosperity of the respective citizens, therefore,

Resolved, By the General Assembly of the State of Indiana that in consideration of the following terms and conditions to be performed by the State of Ohio, to-wit:

First. The State of Ohio to construct and keep in repair a canal from the intersection of the Wabash and Erie Canal with the State line dividing Indiana and Ohio to a point as low down as the Maumee river, towards lake Erie as the towns of Maumee and Perrysburg, the dimensions of which shall not be less in width at top water line, than forty feet and of capacity of not less than four feet depth of water, the locks and aqueduct to be constructed of sufficient dimensions to admit the passage of as large boats as can be passed in similar structures on that part of the Wabash and Erie canal which lies in Indiana, said canal to be and forever, remain a public highway for the use of the government of the United States free from any toll or any other charge whatever for any property of the United States or persons in their service passing through the same.

Second. The State of Ohio to charge no higher tolls to the citizens of Indiana or other persons passing on or transporting freights on said canal than shall be charged to or paid by the citizens of Ohio, no higher rates of tolls than shall be charged on the principal canals in Ohio.

Third. The state of Ohio to complete said portion of the Wabash and Erie Canal on or before the 2d day of March, 1847, and to undertake the performance to the General Government of all the stipulations and conditions required by the aforesaid act of

Congress, approved the 2d day of March, 1827, which the State of Indiana, would have been held and bound in good faith to perform provided she had constructed this part of the canal in the State of Ohio and had selected and appropriated to her use the lands which are herein transferred and relinquished.

Fourth and lastly. The State of Ohio, by her official act to accept of the terms and conditions of the transfer and conveyance of said lands, and communicate the same to the Governor of this State on or before the 31st day of March next. The State of Indiana doth hereby grant and quit-claim, relinquish and convey to the State of Ohio all the right, title and interest in and to all the lands lying and being situated in the State of Ohio, which she, the said State of Indiana, derived by or in virtue of, through or from the act of Congress, entitled "An act to grant certain quantity of land to the State of Indiana, for the purpose of aiding said State in opening a canal to connect the waters of the Wabash river with those of Lake Erie," approved the second day of March, 1827, and hereby authorize the said State of Ohio to receive from the General Government the lands aforesaid, and to select the same according to the provisions of said act of Congress in as full right and manner as if the said canal was to be constructed by the State of Indiana, and the lands selected and set apart by her authority.

WHEREAS, The State of Ohio, on the 24th of February, 1834, in response to the above recited preamble and resolutions of the State of Indiana, adopted the following, to-wit:

Resolved by the General Assembly of the State of Ohio, That in consideration of the relinquishment, transfer, and conveyance by the State of Indiana to the State of Ohio of said lands lying in the State of Ohio, granted by Congress to the State of Indiana, by the act of the second of March, 1827, to aid said State in opening a canal to unite, at navigable points, the waters of the Wabash and those of Lake Erie, the State of Ohio agrees to and accepts the relinquishment, transfer and conveyance of said land on the terms and conditions on which said relinquishment, transfer, and conveyance are made, and accepts all and singular the terms and conditions of said resolution as contained in the first, second, third and fourth articles or sections of said resolution, and hereby pledges herself to the performance thereof, fully and to all intents and pur-

poses, as the same are therein contained and expressed, which said three several resolutions of the said States, to-wit, of the State of Ohio of the 27th day of January, 1834, and 24th day of February, 1834, and of the State of Indiana, of the first day of February, 1834, embody and contain the entire agreement and understanding made and entered into by said States on said subject; and,

WHEREAS, The General Assembly of the State of Ohio, by a Joint Resolution adopted on the 21st of February, 1871, has, in the opinion of the General Assembly of the State of Indiana, misstated the history of the case, and assumed against the State of Indiana the existence of a liability that was never assumed, and the assertion of which, on the part of the General Assembly of Ohio, is not warranted by the facts; therefore,

Resolved by the General Assembly of the State of Indiana, That the only contract agreement or covenant made and entered into by the State of Indiana with the State of Ohio on the subject of the Wabash and Erie Canal, or any liability incurred or assumed by said State of Indiana on said account with the State of Ohio, is limited by and expressed in the resolution of the General Assembly of the State of Indiana, approved February 1, 1834, and none other.

Resolved, That the State of Indiana never agreed or promised the State of Ohio to keep in repair that portion of the Wabash and Erie Canal within her jurisdiction, and that she is under no legal, equitable or moral obligations to do so.

Resolved, That the Governor of the State be and he is hereby requested to forward a copy of the foregoing preamble and resolutions to the Governor of the State of Ohio with the request that the same be laid before the General Assembly of Ohio without delay.

The question being on the adoption of the concurrent resolution in regard to the President's Indiana Policy.

Messrs. Daugherty and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beeson Brown, Bunyan, Chapman, Collett, Dwiggins, Friedley (of Law

rence), Gooding, Haworth, Howard, Miller, Neff, O'Brien, Oliver, Orr, Scott, Steele, Taylor, Thompson and Wadge—20.

Those who voted in the negative were Messrs. Armstrong, Beggs, Bird, Boone, Bowman, Carnahan, Cave, Daugherty, Dittemore, Fuller, Francisco, Glessner, Gregg, Hall, Harney, Ringo, Sarnighausen, Slater, Smith, Stroud and Winterbotham—21.

So the concurrent resolution was not adopted.

Mr. Dittemore moved to reconsider the vote on the adoption of the concurrent resolution, and to lay that motion on the table.

Mr. Cave asked and obtained leave of absence indefinitely.

Mr. Brown moved that the Senate do now adjourn.

The ayes and noes being demanded by one-tenth of the Senate.

Those who voted in the affirmative were, Messrs. Beeson, Brown, Bunyan, Carnahan, Cave, Collet, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gregg, Hall, Harney, Haworth, Howard, Miller, O'Brien, Orr, Ringo, Sarnighausen, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge and Winterbotham—32.

Those who voted in the negative were, Messrs. Armstrong, Beggs, Bird, Boone, Bowman, Chapman, Gooding, Neff, Oliver and Scott—10.

So the motion to adjourn was agreed to.

LEONIDAS SEXTON,
President of the Senate.

WEDNESDAY MORNING.

FEBRUARY 5, 1873, 10 O'CLOCK

Senate met.

Prayer by the Rev. J. V. R. Miller.

Pending the reading of the journal of yesterday,

On motion by Mr. Smith, the further reading thereof was dispensed with.

Mr. Hall made the following report:

MR. PRESIDENT:

The Committee on Engrossed Bills report that Senate Joint Resolution No. 10 has been correctly enrolled.

Mr. Steele submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 237, entitled "An act to amend section three of an act entitled an act providing for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1852, and prescribing the time and manner of the election of boards of commissioners, and their terms of office, report that they have had the same under consideration, and return the same, with the recommendation that the passage of the same be postponed.

Which was concurred in.

Mr. Steele submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 144, entitled "A bill to amend section four of an act entitled an act authorizing the assessment of lands for plank, Macadamized and gravel roads, prescribing the manner of assessing and collecting the same, and repealing the law on that subject, approved May 14, 1868, providing compensation for County Auditor in such assessments, and declaring an emergency," report that they have had the same under consideration, and return the same, with the recommendation that the same lay on the table.

Which was concurred in.

Mr. Steele submitted the following report:

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred Senate bill No. 102, entitled, "An act to repeal all laws, providing for the appraisement of property taken on execution or other final process," report that they have had the same under consideration, and I am authorized to return the same, with the recommendation that its passage be postponed.

Which was concurred in.

Mr. Steele submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred Senate bill No 262, entitled, "An act authorizing married women to sell and convey certain interests in real estate, and regulating rights connected therewith," report that they have had the same under consideration and I am authorized by said committee to return the same with the recommendation that its passage be indefinitely postponed.

Mr. Bird moved to lay the report and the bill on the table.

Which was agreed to.

Mr. Steele made the following report :

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred Senate bill No. 261, entitled, "An act to amend section 11 of an act to amend section 33 of the practice act," report that they have had the same under consideration and I am authorized to return the same together with the recommendation that it do pass.

Which was concurred in.

Mr. Steele submitted the following report:

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred Senate bill No. 20, entitled, "An act relative to the sale of real estate on

execution owned by husband and wife," report that they have had the same under consideration and I am authorized by said committee to return the same with the recommendation that the passage of the same be indefinitely postponed.

Which was concurred in.

Mr. Steele submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary to whom was referred Senate bill No. 255, entitled, "An act to repeal an act entitled an act to amend section one of an act entitled an act to amend section three of an act entitled an act for the regulation of weights and measures, and to restore section one of the above entitled act, report that they have had the same under consideration, and I am authorized by the committee to return the same with the recommendation that it lay upon the table.

Which was concurred in.

Mr. Steele submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary to whom was referred Senate bill No. 253, entitled, "An act to prevent libelous publications, prescribing a penalty therefor, and declaring an emergency," report that they have had the same under consideration and return the same with the recommendation that its passage be indefinitely postponed.

Which was concurred in.

Mr. Steele submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary to whom was referred House bill No. 307, entitled, "A bill for the relief of Emsley Wilson declaring the title of the State of Indiana to certain lands described therein to be vested in the said Wilson, his heirs and assigns and declaring an emergency," report that they have had the same un-

der consideration, and I am authorized by said committee to return the same with the recommendation that its passage be indefinitely postponed.

Which was concurred in.

Mr. Dittemore submitted the following report :

MR. PRESIDENT :

The committee to whom was referred Senate bill, No. 231, "a bill to amend an act granting to the citizens of Evansville a city charter," approved February 4, 1848, have had the same under consideration and direct me to report the same back and recommend its passage.

Which was concurred in.

Mr. Boone submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred Senate bill No. 252—a bill to amend section 31 of an act entitled "an act providing for the organization of county boards and prescribing some of their powers and duties," approved June 17, 1852, have had the same under consideration and recommend the passage thereof.

Which was concurred in.

Mr. Boone submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred House bill No. 213, "A bill defining cruelty to animals, declaring it a misdemeanor and providing a penalty therefor," have had the same under consideration and recommend that the same be amended by striking out of the 4th line of section one the words "or over drive," and when so amended recommend its passage.

Which was concurred in.

Mr. Boone submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred Senate bill No. 233—a bill to enable cities to aid in the construction of manufacture or manufacturing companies have had the same under consideration and recommend that the same lie upon the table.

Which was concurred in.

Mr. Boone submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred House bill No. 208, entitled "A bill to legalize the official acts of the several boards of trustees of the town of Mooresville, Morgan county, Indiana, and to legalize the acts of the incorporation thereof, and all other officers of said corporation, under an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852, report that they have had the same under consideration, and I am authorized by said committee to return the same with the recommendation that it do pass.

Which was concurred in.

Mr. Boone submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 272—a bill providing that all judgments, fines, forfeitures and costs, in favor of the State, shall be collected without relief from valuation or appraisement laws, have had the same under consideration, and recommend that the same lie on the table.

Which was concurred in.

Mr. Glessner submitted the following report :

MR. PRESIDENT :

The Committee on Education, to whom was referred engrossed House bill No. 56, introduced by Mr. Furnas, entitled "An act au-

thorizing the appropriation of money out of the State Treasury for the use of Indiana University, located at Bloomington, Monroe county," have had the same under consideration and have instructed me to report the bill back to the Senate recommending its passage.

Which was concurred in.

Mr. Glessner submitted the following report :

MR. PRESIDENT :

The Committee on Education, to whom was referred Senate bill No. 41, entitled "An act to amend section five of an act regulating the sale of intoxicating liquors," &c., introduced by Mr. Slater, have had the same under consideration, and have directed me to report the bill to the Senate, recommending its indefinite postponement.

Message from the House by Mr. Nixon, Clerk thereof :

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following bills, to-wit:

Engrossed House bill No. 189—a bill to place directors and other officers of Macadamized and gravel road companies, organized under the laws of this State, whenever they may have become creditors of such corporations, on equal terms with other creditors in any and all suits for the collection of money due them, and to repeal all laws in conflict therewith.

Engrossed House bill No. 191—a bill defining certain misdemeanors, prescribing punishment therefor, and repealing all laws in conflict therewith.

Engrossed House bill No. 201—a bill exempting property of cities and incorporated towns from sale in certain cases on execution or order of any Court, and declaring an emergency.

Engrossed House bill No. 270—a bill to provide for the service of summons in suits commenced before justices of the peace, where defendants reside in adjoining counties, &c.

Engrossed House bill No. 291—a bill to amend section 652 of an act entitled “An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, &c.

Engrossed House bill No. 282—a bill to fix the time of holding courts in the Twentieth Judicial District.

Engrossed House bill No. 313—a bill defining what counties shall constitute the Fifteenth Judicial Circuit.

Engrossed House bill No. 341—a bill supplemental to an act for the relief of the Indiana University, and to increase and extend its benefits by providing for the sale of the lands granted by the United States for the use of said University.

Engrossed House bill No. 361—a bill to repeal all laws now in force establishing the time of holding the Circuit Courts in the second judicial circuit, &c., and the same are herewith submitted to the Senate for its action thereon.

SPECIAL ORDERS.

The hour of 10:30 o'clock having arrived, being the hour fixed for the consideration of Senate bill No. 238, the same was taken up.

Mr. Brown moved to postpone the consideration of the bill until 10 o'clock a. m. to-morrow.

Which was not agreed to.

The Senate resolved itself into a Committee of the Whole, with Mr. Dwiggins in the chair.

The committee rose, and Mr. Dwiggins submitted the following report:

MR. PRESIDENT:

The Committee of the Whole Senate have had Senate bill No. 238 under consideration, and have directed me to report that they have made some progress in consideration of same, and ask leave to sit again at 2 o'clock.

Which report was concurred in.

Mr. Dittemore moved to take a recess until 2 o'clock p. m.

Which was agreed to.

AFTERNOON SESSION.

Senate re-assembled 2 o'clock p. m.

Mr. Hall submitted the following report:

MR. PRESIDENT:

The Committee on Engrossed Bills report that they have had under consideration the engrossment of Senate bill No. 170, and find the same correctly engrossed.

Message from the House, by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed Enrolled Senate Joint Resolution No. 10—a joint resolution authorizing legal proceedings in regard to the Calumet dam.

And the same is herewith returned to the Senate.

The Senate went into a Committee of the Whole, Mr. Dwiggins in the chair, to resume the consideration of Senate bill No. 238.

The committee arose, when Mr. Dwiggins submitted the following report:

MR. PRESIDENT:

The Committee of the Whole Senate have continued the consideration of Senate bill No. 238, and have directed me to report the same back, with the following recommendation:

Recommit the bill to a Select Committee of thirteen, one from each Congressional District.

Which report was concurred in.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills report that they have

this day presented to his Excellency, the Governor, Senate Enrolled Joint Resolution No. 10—a joint resolution authorizing legal proceedings in regard to the Calumet dam.

SPECIAL ORDER.

The hour of 2:30 p. m. having arrived, it being the hour fixed for the consideration of engrossed House bill No. 59 and Senate bill No. 180, the same were taken up, and the Senate went into a Committee of the Whole, with Mr. Brown in the chair, for their consideration.

The committee rose, and Mr. Brown submitted the following report:

MR. PRESIDENT:

The Committee of the Whole Senate have had engrossed House bill No. 59 and Senate bill No. 180 under consideration, and direct me to report the same back to the Senate and recommend the bill do lie on the table.

The question being, on concurring in the report of the committee.

Messrs. Hall and Slater demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beardsley, Bowman, Brown, Bunyan, Cave, Daugherty, Fuller, Francisco, Glessner, Gooding, Gregg, Hough, O'Brien, Oliver, Orr, Ringo, Slater, Sleeth, Steele and Stroud—20.

Those who voted in the negative were, Messrs. Armstrong, Boone, Carnahan, Chapman, Daggy, Dittemore, Dwiggins, Friedley (of Lawrence), Hall, Harney, Haworth, Howard, Miller, Sarnighausen, Scott, Wadge and Winterbotham—17.

So the report was concurred in:

Message from the House, by Mr. Nixon, clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the

Senate that the House has passed the following Joint Resolution, to-wit :

House Joint Resolution declaratory of the meaning of the first section of an act approved February 3, 1873, entitled, "An act supplemental to an act to establish a Female Prison and Reformatory Institution for girls and women, and to provide for the organization and government thereof, and making appropriations," approved May 13, 1869.

I am also directed to inform the Senate that the House has passed the following bills, to-wit :

Engrossed House bill No. 310—a bill for an act fixing the time of holding the courts in the 12th Common Pleas District.

Engrossed House bill No. 236—a bill providing for taking the sense of the qualified voters of this State, on the calling of a convention to alter, amend or revise the constitution of this State.

Engrossed House bill No. 266—a bill to amend an act entitled, "An act for the opening, vacating and change of highways." approved June 17, 1872.

Engrossed House bill No. 311—a bill for an act fixing the time of holding the courts in the fifth Judicial Circuit. And the same are herewith submitted to the Senate for its action thereon.

Mr. Scott moved the Senate take up the message from the House.

Which was agreed to.

And House Joint Resolution No. 18—declaring the meaning of the first section of an act approved February 3, 1873, entitled, "An act supplemental to an act to establish a Female Prison and Reformatory Institution for girls and women, and to provide for the organization and government thereof, and making appropriations," approved May 13, 1869—was taken up.

The question being, shall the Joint Resolution pass ?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Boone, Brown, Bunyan, Chapman, Collett, Daggy, Daugherty, Dittemore, Francisco, Glessner, Gooding, Hall, Harney, Haworth, Hough, Howard, Miller, O'Brien, Oliver, Orr, Rin-

go, Sarnighausen, Scott, Slater, Steele, Taylor, Thompson and Winterbotham—30.

Those who voted in the negative were, Messrs. Bird, Bowman, Carnahan, Cave, Fuller, Gregg and Stroud—7.

So the joint resolution passed.

The question being shall the title as read stand as the title of the joint resolution?

It was so ordered.

* ORDERED: That the Secretary inform the House of the passage of the joint resolution.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills have had Senate Joint Resolution No. 4 under consideration, and find the same correctly enrolled.

Mr. Slater submitted the following report:

MR. PRESIDENT:

The Committee on Phraseology and Arrangement of Engrossed Bills have had engrossed House bill No. 198 under examination, and find that the words "of the State of Indiana," in the enacting clause in section one of the bill, has been erroneously stricken out by the Committee on Banks with these words inserted: "The committee have recommended me to report the bill correctly engrossed."

Mr. Slater submitted the following report:

MR. PRESIDENT:

The Committee on Engrossed Bills have had engrossed House bills Nos. 219 and 64 under consideration, together with the Senate amendments, and find the same correctly engrossed.

Mr. Hall moved to suspend the order of business and take up House bill No. 71.

Which was agreed to.

Engrossed House bill No. 71—a bill to amend section sixty of an act entitled “An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,” approved March 14, 1867.

Which was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beggs, Bird, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Daggy, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Lawrence,) Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Miller, Oliver, Ringo, Sarnighausen, Scott, Slater, Steele, Stroud, Thompson and Wadge—35.

Mr. Winterbotham voting in the negative.

So the bill passed.

The question being shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Thompson submitted the following report:

MR. PRESIDENT:

The Committee on Phraseology, Arrangement and Engrossed bills, have had the following Senate bills Nos. 49, 155, 116, 105, 130 and 162, under examination, have compared the same and find them correctly engrossed.

Mr. Steele moved that Senators Sleeth and O'Brien be added to the Committee on the Judiciary.

Which was agreed to.

On motion by Mr. Fuller, the Senate adjourned.

{Signed}

LEONIDAS SEXTON,
President of the Senate.

THURSDAY MORNING.

FEBRUARY 6, 1873, 10 o'clock.

Senate met.

Prayer by Rev. S. M. Harsten of Montgomery county.

On motion by Mr. Orr, the reading of the Journal of yesterday was dispensed with.

Mr. Taylor submitted the following report:

MR. PRESIDENT:

The Committee on Finance to whom was referred Senate Joint Resolution No. 8, in regard to the cancellation of certain bonds of the State redeemed and to be redeemed, in compliance with the act approved December 12, 1872, would ask leave to report that they have had the same under consideration and return the same to the Senate with the recommendation that it pass.

The question being, shall the Joint Resolution pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bowman, Brown, Bunyan, Chapman, Daggy, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Lawrence,) Gooding, Hall, Harney, Hough, Howard, Hubbard, Miller, Neff, Orr, Ringo, Sarnighausen, Steele, Stroud, Taylor, Thompson and Wadge—31.

Those who voted in the negative were, Messrs. Bird, Carnahan, Collett, Scott and Smith—5.

So the Joint Resolution passed.

The question being shall the title as read stand as the title of the Joint Resolution.

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the Joint Resolution.

The Committee on Prisons were granted leave of absence for Friday and Saturday, February 7th and 8th, 1873.

Mr. Dittemore, at his own request, was relieved from further service on the Committee on Prisons and Mr. Winterbotham was appointed on said Committee.

Message from the House by Mr. Nixon, Clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following bills, to-wit:

Engrossed House bill No. 303—a bill to amend sections two and six of an act entitled "An act providing for a geological survey," &c.

Engrossed House bill No. 319—a bill defining the crime of embezzlement by certain officers, and prescribing the punishment therefor.

Engrossed House bill No. 368—a bill regulating legislative practice as to allowance of claims against the State of Indiana.

Engrossed House bill No. 288—a bill supplemental to an act authorizing the construction of plank, Macadamized and gravel roads.

Engrossed House bill No. 354—a bill to consolidate certain mortgage loans, forfeitures, bills receivable, and other debts and accounts due the School Fund, into non-negotiable bonds, and making other provisions in relation thereto.

And the same are herewith submitted to the Senate for its action thereon.

Mr. Steele moved that the leave of absence granted the Committee on Education and the Committee on Prisons, be revoked.

Which was not agreed to.

Mr. Dittemore moved to suspend the order of business, and take up Senate bills on their third reading.

Which was agreed to.

Engrossed Senate bill No. 100.—a bill to amend sections 352 and 354 of an act entitled “An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction of law and equity,” approved June 18, 1852.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were Messrs. Armstrong, Beardsley, Beeson, Boone, Bowman, Brown, Bunyan, Carnahan, Chapman, Collett, Daggy, Daughefty, Dwiggin, Francisco, Glessner, Gooding, Gregg, Hall, Harney, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Ringo, Sarnighausen, Scott, Smith, Steele, Stroud, Taylor, Thompson and Winterbotham—36.

Messrs. Bird and Slater voting in the negative.

So the bill passed.

The question being shall the title of the bill stand as read?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 69—an act to authorize and empower cities incorporated under any general law of this State for the incorporation of cities, and owning real estate, to sell and convey the same in whole or in parcel as the Common Council of such city or cities may deem expedient, and prescribing in what manner the same may be conveyed, and declaring an emergency.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Car-

nahan, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Glessner, Gooding, Gregg, Hall, Harney, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Smith, Steele, Stroud, Taylor, Thompson and Winterbotham—40.

Mr. Slater voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

On motion by Mr. Daggy the title was amended so as to read as follows, to-wit:

"An act authorizing and empowering the sale and conveyance of real estate by cities."

ORDERED: That the Secretary inform the House of the passage of the bill.

The hour of 10:30 a. m. having arrived, it being the hour fixed for the consideration of House bill No. 155, the same was taken up.

The question being on concurring in the report of the majority,

Mr. Chapman moved to amend the majority report by recommending that the bill be laid on the table.

Messrs. Hall and Scott demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Chapman, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Lawrence), Gooding, Gregg, Harney, Hough, Howard, Hubbard, Miller, Neff, Rhodes, Ringo, Sarnighausen, Smith, Stroud, Wadge and Winterbotham—28.

Those who voted in the negative were, Messrs. Brown, Bunyan, Carnahan, Daggy, Glessner, Hall, O'Brien, Oliver, Orr, Scott, Steele, Taylor and Thompson—13.

So the motion was agreed to.

The question being on concurring in the majority report as amended.

It was agreed to.

Engrossed Senate bill No. 73—a bill to amend sections fifteen and sixteen of an act thereof entitled "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852, and providing for the election of the town marshal by the town trustees, and declaring an emergency.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Lawrence), Gregg, Hall, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Smith, Steele, Stroud, Thompson and Winterbotham—37.

Messrs. Glessner, Slater and Wadge voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills have had House Joint Resolution No. 15—a joint resolution relative to the agreement between the States of Indiana and Ohio, on the subject of the Wabash and Erie canal, under consideration, and respectfully report that they find the same correctly enrolled.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills have compared the Enrolled Joint Resolution No. 18—a joint resolution declaring the meaning of the first section of an act approved February 3, 1873, entitled "An act supplemental to an act to establish a Female Prison, &c.

Mr. Thompson submitted the following report:

MR. PRESIDENT:

The Committee on the Phraseology, Arrangement and Engrossed bills have had Senate bill No. 94 before them and find the same correctly engrossed.

Mr. Brown submitted the following report:

MR. PRESIDENT:

The Committee on Railroads to whom was referred the resolution and memorial in reference to the Terre Haute and Indianapolis railroad, submit the following report and ask to be discharged from any further consideration of the subject-matter of the memorial and resolution.

The committee report that they proceeded to and did take all the evidence which they reasonably could within the time allowed to them. They think however, that the evidence so taken is sufficient upon which to base the judgment and opinion which they herein express, and file the same herewith.

In the first place they desire to say that the officers of the said company afforded them every facility in their power to enable them to obtain the facts and arrive at the real condition of the affairs of said company.

The Committee also find that said corporation has at all times when called upon by the proper authorities made full and complete report disclosing the amounts of receipts and disbursements of said company, in accordance with the 23d section of the charter of said company, and your Committee further report that in the investigations made they find no evidence of corruption, concealment or

fraud in the matter of said companies' relation and obligations to to the State.

The committee further report that the evidence before it shows that the reasons upon which the officers of said company acted in failing to pay over any sum of money to the Treasurer of State as a part of its earnings for the benefit of the school fund are these :

First, Said officers claim and insist that there is nothing due under any circumstances.

Second. Acting under the advice and counsel of their attorneys, Col. R. W. Thompson, Col. J. P. Beard, Messrs. Porter, Harrison & Hines, Maj. J. W. Gordon, the officers of said company claim and insist that nothing can be due to the State or any of the funds thereof until the Legislature first asserts the right of the State in the premises and by legislation fixes and regulates the tolls and freights and income of said company. They claim that they have been strengthened and confirmed in this opinion of their counsel by the opinion of the Attorney General of the State, dated April 29, 1869, a copy of which is attached to this report, and which, in the judgment of the committee, agrees with the views and opinions of the company's attorneys. It is insisted, however, by attorneys who claim to represent the State, together with the Attorney General, that no such precedent steps are necessary in order to fix the liability of said company, but that the company is bound to pay over the money without any such action or any action by the Legislature. The solution of this question depends upon the construction which is put upon the twenty-second, twenty-third and twenty-fourth sections of the charter of the company, a copy of which is also filed herewith.

The company claim that by the twenty-second section it has a perfect right to charge and receive such tolls and freights on said road or any part thereof as shall be for the interest of said company, and that the only limitation upon this right is contained in the twenty-third section, which provides that "when the aggregate amount of dividends declared shall amount to the full sum invested, and ten per cent. per annum thereon, the Legislature may so regulate the toll and freights that not more than fifteen per centum per annum shall be divided on the capital employed, and the surplus profits, if any, after paying expenses and reserving such proportion as may be necessary for future contingencies

shall be paid over to the Treasurer of State for the use of common schools." And they argue from this that it necessarily follows that all the earnings of the road, as provided in section twenty-two, belong solely to the corporation until the State has first asserted her right to the surplus profits by legislation, regulating the tolls and freights.

This, it will be seen, is a purely legal question, and a suit is now pending in which it is involved, which suit will probably be decided within the month of February; and although most of the members of the committee have a very decided opinion as to which construction or proposition is correct, we decline to express the same for fear that it might operate prejudicially to one or the other party. And we deem it best to leave the discussion of that question to the judiciary where it properly belongs.

The resolution submitted to your committee is as follows :

WHEREAS, The charter or act incorporating the Terre Haute and Indianapolis Railroad Company, granted and passed January 26, 1847, provides in section twenty-three of said act that certain surplus profits shall be paid over to the Treasurer of State for the use of common schools; and,

WHEREAS, It is alleged that the same railroad company has failed to carry out that provision of its charter or act of incorporation and that it is now thereby indebted to the school fund in a large sum of money; therefore,

Be it Resolved, That it be referred to the Committee on Railroads to ascertain whether the said Terre Haute and Indianapolis Railroad Company has complied with the conditions, provisions and obligations set forth in section 23 of the act incorporating said company, approved January 26th, 1847, and that to satisfactorily investigate all matters connected therewith the said committee be and is hereby authorized to send for and examine the books and papers of said company, and to summon and examine the officers and employees of said company, and any other person and persons whose evidence may be necessary to ascertain the facts in the case

Under this resolution but one other question arises, namely if the construction put upon the sections of the charter above referred to by the company and the Ex-Attorney General is not correct and the

State is right in claiming that no precedent legislation is necessary to fix the liability of the company, is there in reality anything due to the common school fund? We find from the evidence that if there is anything due, it grows chiefly out of the company's having diverted the earnings of the road, which would otherwise have been dividends for the purpose of subscribing for stock and purchasing bonds of other railroad companies to enable such companies to complete railroads forming a connection with the road of said company. The officers of the company insist that they have the right to so do under a proper construction of their charter. The attorneys claiming] to represent the State insist that the corporation had no such right. Thus, again a legal question is presented which the committee decline to pass upon, leaving that also to be decided by the judiciary in any suit in which it may arise. And we do so for the reason that the expression of any opinion thereon might in some measure be prejudicial to one or the other party in any such suit. But the company claims that if it should be wrong in its construction of the charter in this respect, in equity, it ought not to be charged with the sum so invested and diverted as dividends for the following reasons:

They insist that if such sum should have proved a total loss the investment increased the business and dividend of the road and thus inured to the benefit of the school fund, and the State by enabling the company sooner to get back its investment and ten per cent. per annum thereon, and put the State in a condition sooner to demand the surplus profits by regulating the tolls and freights, and that such investments increased the surplus fund. Inasmuch as both parties claim that the committee have not got all the evidence on this subject, the majority of the committee have not deemed it necessary to make any calculations as to what if anything is due from the company to the school fund.

The Committee further report that the Hon. James C. Denny, Attorney General for the State of Indiana, together with Hon. Courtland C. Matson, Prosecuting Attorney and Hons. Sol. Claypool, and W. R. Harrison, all of whom claimed to represent the State appeared before the committee, and advised the committee that it was unwise and unnecessary to recommend any legislation upon the subject contained in the investigation, which opinion of the Attorney General is in writing and filed herewith.

Wherefore your Committee say that they have no further suggestions to make.

Signed,

JASON B. BROWN,
GEO. B. SLEETH,
W. E. DITTEMORE,
H. C. GOODING.
O. BIRD.

OFFICE OF ATTORNEY GENERAL,
INDIANAPOLIS, Feb. 4, 1873. }

HON. JASON B. BROWN,

Chairman Senate Committee on Railroads:

DEAR SIR:—I have carefully examined the laws now in force in this State, and am satisfied that the law, as it now exists, affords full and ample remedies for the enforcement of all the rights of the State against railroads that have violated any of the provisions of their charters, and that said laws, as the same now exist, will enable the State, by proper legal proceedings under the same, to recover from the railroad company, now known as the Terre Haute and Indianapolis Railroad, any money that may be due to the State. This opinion is also concurred in by Courtland A. Matson, Prosecuting Attorney for the Sixth Judicial Circuit, who is now prosecuting the proceedings against said company in the Owen Circuit Court; and for this reason, in my opinion, no legislation is necessary.

(Signed)

J. C. DENNY,
Attorney General.

ATTORNEY GENERAL'S OFFICE,
April 29, 1869. }

HON. M. A. OSBORN,

Chairman Special Railroad Committee:

DEAR SIR:—I have the honor to acknowledge the receipt of your communication of the 20th inst., asking my opinion as to the legal construction of the 23d and 30th sections of the charter act of the Terre Haute and Indianapolis Railroad Company. The 30th section is so clear and express in its terms that construction is unnecessary. The State, in times of war, shall have the right to transport troops, munitions of war and provisions, free of toll, on said road. This provision applies to State troops and muni-

tions only, and if such were charged for transportation the charge was erroneous. I will, therefore, give my attention to the 23d section.

The charter of the company is in the nature of a contract between the corporation and the State, the intention and meaning of which must be determined by the ordinary rules of construction, one of which requires that powers expressly granted or necessarily implied are not to be defeated or impaired by a strict construction, And again one clause or section shall not frustrate and destroy, but on the contrary shall explain and support another. Then the several sections of the charter ought to be so interpreted and construed, that all may stand as the will and intention of the parties.

What was the intention of the parties? What duties have each to perform?—and in what order of precedence?—are the questions submitted for my consideration and opinion.

The twenty-second section authorizes the company to charge and receive such tolls and freights for the transportation of persons, commodities and carriages on said road, or any part thereof as may be for the interest of said company, with power to change, lower, or raise at pleasure.

The twenty-fourth section gives the corporation power to make semi-annual dividends of so much of the profits as the corporation may deem expedient. These dividends may cover the net profits after deducting all expenses, reserving such proportion of said profits as may be necessary to meet contingencies.

It will be observed that these sections place the road and its entire earnings under the control of the corporation. To what extent does the twenty-third section control and modify the rights and powers conferred by the above sections? The twenty-third section reads as follows:

“That when the aggregate amount of dividends declared shall amount to the full sum invested and ten per centum per annum thereon, the Legislature may so regulate the tolls and freights that not more than fifteen per centum per annum shall be divided on the capital employed, and the surplus profits, if any, after paying the expenses and receiving such proportion as may be necessary for future contingencies, shall be paid over to the Treasurer of State for the use of common schools; but the corporation shall not be compelled by law to reduce the tolls and freights so that a

dividend of fifteen per centum per annum can not be made ; and it shall be the duty of the corporation to furnish the Legislature, if required, with a correct statement of the amount of expenditures and the amount of profits, after deducting all expenses, which statement shall be made under the oath of the officer whose duty it shall be to make the same."

The following propositions may be deduced from the above sections :

First. That the corporation may charge such tolls and freights as in the judgment of its officers may be proper, and make semi-annual dividends of all the net profits after deducting expenses.

Second. That the corporation shall be entitled to receive from the net earnings of the road the full amount invested and fifteen per centum per annum.

Third. That the Legislature shall retain the power over the corporation to compel an accounting and report of the amount invested in the road, and the amount of profits thereon upon which to base the necessary legislation.

Fourth. That when the sum invested and ten per centum per annum thereon shall be realized from the net earnings of the road, then the Legislature may so regulate the tolls and freights that not more than fifteen per centum per annum shall be divided on the capital employed.

Fifth. That after such legislation all over fifteen per centum per annum after deducting expenses and contingent fund, shall be paid to the Treasurer of State for the use of common schools.

If the above is a fair analysis of the several sections involved, it follows as a conclusion that the corporation has the power to levy and collect such tolls and freights as in its judgment shall be for the interest of said company, and after paying expenses and providing such contingent fund as in their judgment may seem necessary for future contingencies, declare dividends to the full amount of the residue of said profits among its stockholders, and may continue such appropriation until the Legislature shall require an accounting as to its financial condition, and on such accounting, if the aggregate amount of dividends shall equal the full sum invested and ten per centum per annum thereon, the Legislature may so regulate

the tolls and freights that not more than fifteen per centum per annum shall be divided on the capital employed.

Then in what order of time shall these duties be performed? Who determines the point of time at which the aggregate amount of dividends covers the sum invested and ten per centum per annum thereon? And again who can fix the rate of tolls and freights so that not more than fifteen per centum per annum shall be divided on the capital employed and divert the surplus into another channel? From the language of the several sections, the parties thereto, intended that the Legislature should take the first step and make the necessary adjustment upon which to base legislation. The investigation being legislative and not judicial.

The State must do something preliminary to a suit against the company, she must ascertain the facts in the manner agreed upon and perform the conditions precedent on her part, by showing that the aggregate dividends are equal to the full sum invested and fifteen per centum per annum thereon. And then on that condition *only* the State may, by law, "so regulate the tolls and freights that not more than fifteen per centum per annum shall be divided on the capital employed," and then after paying expenses and providing a contingent fund the residue may be appropriated to the use of common schools.

These duties are obligatory on the State and preliminary to judicial proceedings, and in my judgment necessary to the maintenance of a suit against the company.

I am, respectfully,

[Signed]

D. E. WILLIAMSON,
Att'y Gen. of the State.

Mr. Brown moved to concur in the report.

The question being on concurring in the report of the committee.

Mr. Steele offered the following amendment:

Amend the report by striking out that part of the report that expresses the fact that the committee "find no fraud, &c.," and then that the report be concurred in.

Mr. Hough moved to lay the report and amendment on the table.

Messrs. Daggy and Hall demanded the ayes and noes :

Those who voted in the affirmative were, Messrs, Beardsley, Boone, Bowman, Bunyan, Chapman, Fuller, Gregg, Hall, Hough, Hubbard, Sarnighausen, Slater and Winterbotham—13.

Those who voted in the negative were Messrs. Armstrong, Beeson, Bird, Brown, Carnahan, Collett, Daggy, Daugherty, Dittemore, Dwiggin, Francisco, Friedley (of Lawrence), Gooding, Harney, Howard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Scott, Smith, Steele, Stroud, Taylor, Thompson and Wadge—29.

So the motion to lay on the table was not agreed to.

Mr. Brown demanded the previous question, which was seconded by the Senate.

The question being shall the main question be now put.

It was so ordered.

The question then being on the adoption of the amendment offered by Mr. Steele,

Messrs. Hall and Chapman demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Boone, Bowman, Bunyan, Carnahan, Chapman, Fuller, Francisco, Glessner, Gregg, Hall, Hough, Neff, O'Brien, Orr, Rhodes, Ringo, Sarnighausen, Slater, Smith, Steele, Stroud and Winterbotham—24.

Those who voted in the negative were, Messrs. Beardsley, Bird, Brown, Collett, Daggy, Daugherty, Dittemore, Dwiggin, Friedley (of Lawrence), Gooding, Harney, Howard, Hubbard, Miller, Oliver, Scott, Taylor, Thompson and Wadge—19.

So the amendment was adopted.

The question being on concurring in the report of the committee as amended,

Messrs. Gregg and Chapman demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Brown, Bunyan, Carnahan, Collett, Daggy, Dittemore, Dwiggin, Francisco, Friedley (of Lawrence), Glessner, Gooding, Harney, Howard, Hubbard, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Smith, Steele, Taylor and Thompson—30.

Those who voted in the negative were, Messrs. Bowman, Chapman, Daugherty, Fuller, Gregg, Hall, Hough, Miller, Scott, Slater, Stroud, Wadge and Winterbotham—13

So the report as amended was concurred in.

Mr. Sleeth asked and obtained leave of absence until Saturday.

On motion of Mr. Dittemore the Senate took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

Senate re-assembled 2 o'clock P. M.

Mr. Dwiggin offered the following :

Resolved, That the Secretary of the Senate be directed to have two hundred roll calls printed for the use of the Senate.

Which was adopted.

Message from the House by Mr. Nixon, Clerk thereof.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following Enrolled Joint Resolution, to-wit: Enrolled Joint Resolution No. 4 of the Senate—a joint resolution authorizing the sale of certain personal property therein named.

Enrolled Joint Resolution No. 15 of the House of Representatives—a joint resolution relative to the agreement between the

States of Indiana and Ohio on the subject of the Wabash and Erie canal.

Enrolled Joint Resolution No. 18 of the House of Representatives—a joint resolution declaratory of the meaning of the first section of an act approved February 3, 1873, entitled “An act supplemental to an act to establish a Female Prison, &c., &c.”

And the same are herewith submitted to the Senate for the signature of the President thereof.

I am directed by the House of Representatives to inform the Senate that the House has passed the following bills, to-wit:

Engrossed House bill No. 186—a bill to amend an act entitled “An act declaring the having carnal knowledge of an insane woman, in certain cases, to be a felony, and making accessories principals therein, and prescribing the punishment thereof.”

Engrossed House bill No. 327—a bill to regulate the sale of intoxicating liquors, to provide against the evils resulting from any sale, to furnish remedies for damages suffered by any person in consequence of such sale, prescribing penalties, to repeal all laws contravening the provisions of this act, and declaring an emergency.

Engrossed House bill No. 339—a bill defining certain felonies, and prescribing punishment therefor.

Engrossed House bill No. 353—a bill to prohibit township trustees from levying a road tax upon real or personal property in incorporated towns or cities.

Engrossed House bill No. 360—a bill to appropriate \$150 for the distribution of the report of the Superintendent of Public Instruction.

Engrossed House bill No. 376—a bill concerning cemeteries.

Engrossed House bill No. 390—a bill to amend the 447th section of an act entitled “An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State,” &c., &c.

Engrossed House bill No. 408—a bill to amend the 311th section of an act entitled “An act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State,” &c., &c.

And the same are herewith submitted to the Senate for its action thereon.

Mr. Neff gave notice that he would on to-morrow move to amend the rules of the Senate by limiting speeches to ten minutes on any one subject.

Mr. Gooding submitted the following report :

MR. PRESIDENT :

The Committee on Railroads, to whom was referred engrossed House bill No. 144, entitled “A bill to provide for crossing of railroads, the keeping in repair such crossings, and providing for the expense thereof, have had the same under consideration, and have directed me to return the same with the recommendation that it do pass.

Which was concurred in.

Mr. Gooding submitted the following report :

MR. PRESIDENT :

The Committee on Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill No. 84, entitled “An act to protect the citizens of the State of Indiana from empiricism, and to elevate the medical profession,” have had the same under consideration, and have directed me to report the same back, with the recommendation that it be indefinitely postponed.

Which was concurred in.

Mr. Glessner submitted the following report :

MR. PRESIDENT :

The Committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill No. 120, entitled “An act to protect the ballot box, to procure a fair election, to de-

fine felonies, and prescribe punishment therefor," have had the same under consideration and have directed me to report the bill back to the Senate, with the accompanying amendments :

Amend section one by striking out all after the word "felony" in the seventeenth line.

Strike out of the second section the eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, and twenty-fourth lines.

Strike out of the third section all after the word "felony" in the sixth line.

Strike out of the fourth section lines fifteen, sixteen, seventeen, eighteen, nineteen, twenty and twenty-one.

Amend section five by striking out all after the word "felony" in the twenty-fourth line.

Amend section six by striking out all after the word "felony" in the thirty-second line.

Amend the bill by adding the following section :

SEC. 8. Any person found guilty of a violation of any of the provisions of this act, shall be fined in any sum not exceeding one thousand dollars, be imprisoned in the State Prison not less than one or more than five years, and be disfranchised for any determined period.

Change section eight in the bill to section nine.

And when so amended the committee recommend the passage of the bill.

Which report was concurred in.

Mr. Dittemore moved to suspend the order of business, and take up engrossed House bill No. 372.

Which was agreed to.

Engrossed House bill No. 372—a bill to amend an act appropriating one hundred and twenty-five thousand dollars to defray the expense of the Forty-Eighth General Assembly of the State of Indiana, approved January 21, 1873.

Which was read a first time.

Mr. Dittemore moved to refer the bill to the Committee on Finance.

It was so ordered.

The President announced that he had signed House Joint Resolution No. 15, House Joint Resolution No. 18, and House Joint Resolution No. 4.

BILLS ON A THIRD READING.

Engrossed Senate bill No. 77—A bill to amend section four hundred and seventy-six of an act entitled “an act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved Jan. 18th, 1852.”

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Boone, Brown, Bunyan, Carnahan, Chapman, Daggy, Dittemore, Dwiggins, Fuller, Francisco, Friedley, (of Lawrence,) Gooding, Gregg, Hall, Harney, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Orr, Rhodes, Ringo, Sarnighausen, Slater, Smith, Steele, Stroud, Taylor, Thompson, Wadge and Winterbotham—37.

Those who voted in the negative were, Messrs. Bowman, Daugherty and Scott—3.

So the bill passed:

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 74—A bill to legalize the acts and proceedings of boards of county commissioners in certain cases, and declaring an emergency, was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were Messrs. Armstrong, Beardsley, Beeson, Beggs, Boone, Bowman, Bunyan, Chapman, Collett, Dwiggin, Fuller, Francisco, Friedley (of Lawrence,) Glessner, Goeding, Gregg, Hall, Harney, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Orr, Rhodes, Ringo, Sarnighausen, Scott, Stroud, Steele, Taylor and Thompson—33.

Those who voted in the negative were, Messrs. Carnahan, Daggy, Daugherty, Dittemore, Slater, Smith, and Winterbotham—7.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 106—A bill to prescribe the qualifications of petit jurors in the several courts of this State.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Boone, Bowman, Brown, Bunyan, Carnahan, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Lawrence,) Glessner, Gooding, Gregg, Hall, Harney, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson, Wadge and Winterbotham—42.

No Senator voting in the negative.

So the bill passed.

The question being shall the title as read stand as the title of the bill.

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 103—a bill to amend section 78 of an act entitled “An act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof.”

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Beggs, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Lawrence,) Glessner, Gooding, Gregg, Hall, Harney, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson, Wadge and Winterbotham—43.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Brown moved to suspend the order of business, and take up House concurrent resolution on the President's Indian policy.

Which was agreed to.

The question being on the motion to reconsider the vote on the adoption of the resolution, and to lay that motion on the table.

Mr. Dittemore asked leave to withdraw his motion to reconsider the vote on the adoption of the concurrent resolution, and to lay that motion on the table.

Objections were made, and the leave was not granted.

Mr. Brown demanded a division of the question.

Mr. Brown demanded the previous question.

The question being, will the Senate second the demand for the previous question?

Messrs. Slater and Gregg demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Brown, Bunyan, Chapman, Collett, Daggy, Dwiggins, Friedley (of Lawrence,) Gooding, Hough, Howard, Hubberd, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Scott, Steele, Taylor, Thompson and Wadge—24.

Those who voted in the negative were, Messrs. Armstrong, Beggs, Bird, Boone, Bowman, Carnahan, Daugherty, Dittimore, Fuller, Francisco, Glessner, Gregg, Hall, Harney, Ringo, Sarnighausen, Slater, Smith, Stroud and Winterbotham—20.

So the demand for the previous question was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being on the motion to lay the motion to reconsider on the table,

Messrs. Brown and Gregg demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beggs, Bird, Boone, Bowman, Carnahan, Daugherty, Dittimore, Fuller, Francisco, Glessner, Gregg, Hall Harney, Ringo, Sarnighausen, Slater, Smith Stroud and Winterbotham—20.

Those who voted in the negative were, Messrs. Beardsley Beeson, Brown, Bunyan, Chapman, Collett, Daggy, Dwiggins, Friedly (of Lawrence,) Gooding, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Scott, Steele, Taylor, Thompson and Wadge—24.

So the motion to lay the motion to reconsider on the table was not agreed to.

The question being on reconsidering the vote on the adoption of the resolution.

Which was agreed to.

The question being then on the adoption of the resolution,

Mr. Dwiggin demanded the previous question.

The question being, shall the Senate second the demand for the previous question?

Messrs. Slater and Gregg demanded the ayes and noes.

Those who voted in the affirmative were Messrs. Beardsley, Beeson, Brown, Bunyan, Chapman, Collett, Daggy, Dwiggin, Friedly (of Lawrence), Gooding Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Scott, Steele, Taylor, Thompson and Wadge—24.

Those who voted in the negative were, Messrs. Armstrong, Beggs, Bird, Boone, Bowman, Carnahan, Daugherty, Dittemore, Fuller, Francisco, Glessner, Gregg, Harney, Ringo, Sarnighausen, Slater, Smith, Stroud and Winterbotham—19.

So the previous question was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question then being on the adoption of the concurrent resolution.

Messrs. Slater and Gregg demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Brown, Bunyan, Chapman, Collett, Daggy, Dwiggin, Friedley (of Lawrence), Gooding, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Scott, Steele, Taylor, Thompson and Wadge—25.

Those who voted in the negative were, Messrs. Beggs, Bird, Boone, Bowman, Carnahan, Daugherty, Dittemore, Fuller, Francisco, Glessner, Gregg, Hall, Harney, Ringo, Sarnighausen, Slater, Smith, Stroud and Winterbotham—19.

Mr. Daggy moved to reconsider the vote on the adoption of the resolution.

Mr. Brown moved to lay that motion on the table.

Which was agreed to.

Message from the Governor by Samuel R. Downey, his Private Secretary :

MR. PRESIDENT : •

By direction of the Governor, I have the honor to respectfully inform the Senate that his Excellency has approved and signed enrolled act No. 262 entitled "An act to change the time of holding the Circuit Court in Huntington county, Indiana."

Also Joint Resolution No. 5, entitled "a joint resolution to make temporary provision for the public printing."

Also, Joint Resolution No. 7, entitled "A joint resolution concerning public printing."

Also, Joint Resolution No. 10, entitled "A joint resolution authorizing legal proceedings in regard to the Calumet dam."

And that he has caused each of the same to be deposited in the office of the Secretary of State.

Also, that a concurrent resolution relative to the Buffalo and Mississippi Railroad Company has been deposited, in the office of the Secretary of State, and a duly authenticated copy thereof transmitted to the President of the Lake Shore and Michigan Southern Railroad Company.

Engrossed Senate bill No. 27—a bill to legalize certain acts of incorporation, organized or attempted to be organized under and by virtue of an act entitled "An act authorizing the construction of plank, macadamized and gravel roads, approved May 12, 1852, and acts supplemental thereto."

Which was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Bowman, Dwiggin, Fuller, Glessner, Harney, Howard, Hubbard, Ringo, Stroud, Taylor and Thompson—15.

Those who voted in the negative were, Messrs. Bird, Boone, Bunyan, Carnahan, Chapman, Collett, Daggy, Daugherty, Dittmore, Francisco, Friedley (of Lawrence,) Gooding, Gregg, Hough, Miller, Oliver, Orr, Sarnighansen, Scott, Slater, Smith and Steele—22.

So the bill failed to pass.

Mr. Carnahan moved to suspend the order of business and take up Senate bill 170.

Which was not agreed to.

Mr. Collett submitted the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled bills report that they have this day presented to his Excellency, the Governor, Senate Joint Resolution No. 4—a Joint Resolution authorizing the sale of certain personal property ; also, House Enrolled Joint Resolution No. 15, a Joint Resolution in relation to the agreement between the States of Indiana and Ohio on the subject of the Wabash and Erie Canal, Also, House Joint Resolution No. 18, a joint resolution declaratory of the meaning of the first section of an act approved February 3d, 1873, entitled an act supplemental to an act, to establish a female prison, etc.

Engrossed Senate bill No. 99—a bill to authorize sureties upon notes, bills, bonds, or other instruments in writing who have been compelled to pay the same for their principals, to collect off such principals, interest on the amount paid by such sureties at the rate provided for in such original notes, bills, bonds or other instruments in writing held against such principals.

Which was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bowman, Bunyan, Carnahan, Chapman, Collett, Daggy, Daugherty, Dwiggins, Fuller, Francisco, Friedley (of Lawrence), Gooding, Hall, Harney, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Ringo, Sarnighausen, Scott, Smith, Steele, Stroud, Taylor, Thompson and Wadge—35.

Those who voted in the negative were, Messrs. Bird, Glessner, Slater and Winterbotham—4.

So the bill passed.

The question being shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 140—A bill to amend section three and repeal section four of an act entitled "An act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contest thereof," approved May 31st, 1852.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Beggs, Bird, Boone, Brown, Bunyan, Carnahan, Chapman, Collett, Daggy, Daugherty, Dwiggins, Fuller, Francisco, Friedley (of Lawrence,) Glessner, Gooding, Gregg, Harney, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson and Wadge—39.

Messrs. Beardsley, Hall, and Winterbotham, voting in the negative—3.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED : That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 18—a bill repealing an act entitled, “An act authorizing the assessment of lands for plank, Macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same,” approved May 14, 1869, and also repealing “An act authorizing the construction of plank, Macadamized and gravel roads,” approved March 11, 1867.

Which was read a third time.

The question being, shall the bill pass?

Mr. Dittemore demanded the previous question, which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Bird, Bowman, Collett, Fuller, Francisco, Friedley (of Lawrence,) Gregg, Hall, Harney, Howard, Neff, Oliver, Orr, Stroud and Wadge—15.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Boone, Brown, Bunyan, Carnahan, Chapman, Daggy, Dittemore, Glessner, Hubbard, Miller, O'Brien, Rhodes, Ringo, Sarnighausen, Scott, Slater, Smith, Steele, Taylor, Thompson and Winterbotham—25.

So the bill failed to pass.

By unanimous consent, Mr. Scott offered the following concurrent resolution :

Resolved by the Senate, (the House of Representatives concurring therein,) That the State Geologist, with the advice of the Governor and a committee of three on the part of the [Senate, consisting of the Senator from Vermillion, the Senator from Warrick, and the Senator from St. Joseph, with a like committee to be appointed on the part of the House, and he is hereby directed to collect,

arrange and label specimens of coal, stone, ores and mineral earths; also of the grains grown in this State, for the purpose of forwarding such specimens to the World's Exposition, to be held in Vienna, by the ship provided by the United States, and now in the harbor of New York. And such committee is ordered to report to this General Assembly the probable cost of such collection, and the proper display of the same, and any other matters for the information of the General Assembly relative to this subject.

Which was adopted.

ORDERED, That the Secretary inform the House of the passage of the concurrent resolution.

Engrossed Senate bill No. 96—an act to encourage manufacturing in the State of Indiana, and allowing and legalizing conveyances of real estate by and to foreign manufacturing companies, and declaring an emergency.

Which was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Chapman, Collett, Daggy, Fuller, Francisco, Friedley (of Lawrence,) Glessner Gregg, Hall, Harney, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Smith, Stroud, Taylor, Thompson and Wadge—37.

Mr. Steele voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 33—An act to amend an act to incorporate the Indiana Fire and Marine Insurance Company.

Which was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Bird, Bowman, Brown, Bunyan, Chapman, Collett, Daggy, Fuller, Francisco, Friedley (of Lawrence,) Howard, Hubbard, Miller, Oliver, Sarnighausen, Scott, Slater, Steele, Stroud, Taylor, Thompson and Wadge—26.

Those who voted in the negative were, Messrs. Boone, Carnahan, Gregg, Hall, Harney, Neff, O'Brien, Orr, Rhodes, Ringo, Smith and Winterbotham—12.

So the bill passed.

The question being, shall the title as read stand as the title of the bill ?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Senate bill No. 289—an act to fix the salaries of the Judges of the Supreme Court of this State, and to provide for the time and manner of payment, and declaring an emergency for the immediate taking effect of this act.

Which was read a first time.

On motion by Mr. Carnahan, the Senate adjourned.

FRIDAY MORNING.

FEBRUARY 7, 1873, 10 O'CLOCK.

Senate met.

Prayer by the Rev. F. C. Holliday, of the city of Indianapolis.

Message from the House of Representatives, by Mr. Nixon, Clerk thereof :

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that the House has passed the following Engrossed House bill, to-wit:

Engrossed House bill No. 55—A bill to amend an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and prescribing the fees for certain officers therein named, and for the establishment and regulating of township libraries, etc., and the same is herewith submitted to the Senate for its action therein.

Mr. Chapman moved to dispense with the reading of the journal of yesterday except that portion in relation to the action of the Senate on the concurrent resolution of the House on the President's Indian policy.

Which was agreed to.

Mr. Dittmore moved that the journal of yesterday be so amended as to show that he asked to withdraw his motion to reconsider the vote on the adoption of the concurrent resolution of the House on the President's Indian policy, and that on objection being made the President declined to entertain his request.

Which was agreed to.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Collett presented a petition from sundry citizens of the State of Indiana, asking the enactment of a law forbidding under appropriate penalties, such sale and use of intoxicating liquors.

Which was referred to the Committee on Temperance.

Mr. Bowman presented a petition from attorneys and officers of Washington county, Indiana, asking the passage of Senate bill No 238, relative to the abolishment of the court of common pleas.

Which on motion was referred to a select committee of thirteen, together with Senate bill No. 238, heretofore referred.

Message from the Governor by Samuel R. Downey his Private Secretary.

MR. PRESIDENT :

By direction of the Governor I have the honor to lay before the Senate a communication and accompanying papers relative to the United States standards of weights and measures furnished and to be furnished this State, and the building required for their reception and preservation.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, February 7, 1873. }

GENTLEMEN OF THE SENATE :

I respectfully submit for your consideration a communication from Hon. John Coburn, member of Congress, transmitting to me a letter and other papers from Prof. J. E. Hilgard, of the Coast Survey office, relative to the United States standard of weights and measures furnished and to be furnished this State, and the fire proof building required for their reception.

WASHINGTON, D. C., February 3, 1873.

Hon. T. A. Hendricks :

DEAR SIR—Enclosed please find a letter from Prof. Hilgard, of the Coast Survey office, who has in readiness for our State the articles described within.

Our State ought to build a small fire-proof building for their reception and use. The measures and balances are very beautiful, and seem almost perfect. The Legislature being in session, no doubt a small appropriation can be had for the purpose of erecting a building, a plan of which he, at my request, has kindly furnished.

We ought to have, somewhere in our State, standards of weights and measures, and balances of great accuracy. These are furnished us, and the neglect in not receiving and providing a room for them thus far seems almost unpardonable.

TREASURY DEPARTMENT,
OFFICE OF U. S. WEIGHTS AND MEASURES, }
WASHINGTON, D. C., February 3, 1873.

DEAR SIR :

I inclose herewith a copy of a circular to Governors of States, relative to the United States standards of weights and measures,

together with a description of the fire-proof building required for their reception. Copies of these papers were sent to the Governor of Indiana March 7, 1871. I would also call your attention to the fact that the weights and capacity measures were furnished to Indiana in October, 1847. The standard yard and balances still remain in this office ready for delivery.

OFFICE OF U. S. WEIGHTS AND MEASURES, }
WASHINGTON, D. C., 187— }

SIR—I have the honor to inform you that a set of standard weights and capacity measures, as well as two balances, intended for the adjustment of standard copies of the same, furnished to your State under act of Congress, are now ready for delivery. The set also includes a standard yard. I would respectfully ask your directions as to the time and place of delivery, and as to the person who may be duly authorized to receive them.

The standards consist, first, of a set of weights from fifty pounds to one pound avoirdupois, and one pound troy, a set of avoirdupois ounce weights from eight ounces to .0001 ounce, and a set of troy ounce weights from ten ounces to .0001 ounce; second, one standard yard; third, a set of liquid capacity measures, comprising the gallon, half gallon, quart, pint and half pint; fourth, a standard half bushel. The two balances are of different sizes, intended respectively for the adjustment of the heavier and lighter weights, or of the larger and smaller capacity measures.

I append a drawing and description of a small building, which would be appropriate for the preservation and use of these standards, and would respectfully recommend that such a one be provided for these elaborate and costly articles. They should at least be preserved in a fire-proof building, and placed upon a very firm floor. It would be desirable that they be put in charge of a scientific gentleman connected with some institution of learning in your State, and that they and the balances should only be used under his direction for the adjustment or verification of county or other standards.

The metric standards recently ordered by Congress for distribution among the States are in course of preparation, and I will do myself the honor to notify you when they are ready for delivery to you.

When you are prepared to receive the standards and balances it

will be well to consider if it will not be advisable to let the person who is to have charge of them come to this office, and become acquainted with their construction, manipulation and mode of packing, in place of sending a person from this office with them, whose expenses would equally have to be defrayed by your State.

By an answer addressed to me at this office you will oblige.

DESCRIPTION OF A FIRE-PROOF BUILDING FOR STANDARD WEIGHTS AND MEASURES.

The building should be fire-proof, with brick walls, brick or cement floor, and roof of galvanized iron. If the latter is too expensive, the ceiling of the roof should be well plastered inside, and the outside covered with tinned sheet iron. The inside dimensions of the building, which has but one room, are fifteen by twenty feet, and the walls ten feet high. (See sketch.) The floor should be raised above the level of the ground outside, which may be done by filling in with gravel or sand eight or ten inches, and then laying bricks on edge or covering the gravel with a layer of concrete and cement.

The large balance will require a brick foundation of twenty by sixty-eight inches, only slightly elevated above the floor. The small balance will be supported on a bracket in the wall. The boxes containing the weights and measures may be placed on tables, the space between the balances being assigned to the metric standards. The doorway may be to the east or west as convenient, but the window should be toward the north.

Mr. Daggy presented a petition from sundry citizens of Putnam county protesting against the passage of the bill relating to hunting on enclosed lands.

Which, on motion, was laid on the table.

Mr. Beeson presented a petition from sundry citizens of Economy, Wayne county, Indiana, asking the passage of a law forbidding, under appropriate penalties, the sale and use of intoxicating liquors.

Which was referred to the Committee on Temperance.

REPORTS FROM STANDING COMMITTEES.

Mr. Steele submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate joint resolution No. 9, entitled "A joint resolution to authorize the investigation of alleged losses to the school revenue, report that they have had the same under consideration, and I am authorized by the Committee to return the same with the recommendation that it do pass.

Which was concurred in.

Mr. Steele submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 250, entitled "A bill to further prescribe the duties of Secretary of State, and to provide for the necessary arrangements of clerks and the expenses of his office," report they have had the same under consideration, and I am authorized by the Committee to return the same with the recommendation that it do pass.

Mr. Fuller moved to amend the report so as to lay the bill on the table.

Messrs. Slater and Fuller demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Bird, Bowman, Carnahan, Daugherty, Fuller, Francisco, Gregg, Harney, Sarnighausen, Slater, Stroud and Williams—12.

Those who voted in the negative were, Messrs. Beardsley, Beeson, Boone, Brown, Bunyan, Chapman, Collett, Daggy, Dittemore, Dwiggins, Friedley (of Lawrence,) Gooding, Hough, Hubbard, Miller, Neff, O'Brien, Oliver, Ringo, Steele, Taylor and Thompson—22.

So the motion to amend was not agreed to.

The question recurring on concurring in the report of the Committee,

Which was concurred in.

Mr. Daugherty submitted the following report :

MR. PRESIDENT :

The Committee on Finance, to whom was referred memorial and claims of sundry persons in Delaware county, have had the same under consideration, and recommend it be referred to the Committee on Claims.

Which was concurred in.

MAJORITY REPORT.

Mr. Steele submitted the following majority report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred House bill No. 8, entitled "A bill to prevent hunting and shooting on enclosed lands without the consent of the owner or occupant thereof, and providing a penalty therefor," report that they have had the same under consideration, and a majority of the Committee have directed me to return said bill, together with the proposed amendments to the same, with the recommendation that the bill and amendments be indefinitely postponed.

MINORITY REPORT.

Mr. Boone submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred House bill No. 8—"a bill to prevent hunting and shooting on enclosed lands, without the consent of the owner or occupant thereof, and providing a penalty therefor," have had the same under consideration, and a minority of said committee recommend that the bill be amended as follows :

1. Strike out the words "less than five nor" in the ninth and tenth line, section one.
2. In the fifteenth line of said section, after the word "by," insert the words "consent of."

3. Strike out the second and third sections of the bill.

And when so amended recommend its passage.

They further recommend that the pending amendments, together with the petition and remonstrance regarding the bill, referred to your committee and returned herewith, be laid on the table.

Mr. Carnahan moved that the consideration of the bill and reports be indefinitely postponed.

Messrs. Slater and Fuller demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Bunyan, Carnahan, Daugherty, Dittemore, Fuller, Francisco, Friedley (of Lawrence), Harney, O'Brien, Oliver, Slater and Thompson—12.

Those who voted in the negative were, Messrs. Beardsley, Beeson, Bird, Boone, Bowman, Brown, Chapman, Collett, Daggy, Dwiggins, Gooding, Gregg, Hough, Hubbard, Miller, Neff, Ringo, Sarnighausen, Steele, Stroud, Taylor and Williams—22.

So the motion to indefinitely postpone was not agreed to.

The question being, on concurring in the minority report of the committee.

Mr. Bird moved to lay both reports on the table.

Which was not agreed to.

The question recurring on concurring in the minority report.

Which was concurred in.

Mr. Daggy made the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred engrossed House bill No. 81, to amend sections two, three, four and six of an act to provide for the re-location of county seats, and for the erection of county buildings in counties in case of such re-location, approved March 2, 1855; to amend section two of an act amendatory of said act, approved December 18, 1863; and to amend section two of an act, approved February 24, 1869; as also petitions

from divers citizens of Wayne county in relation to the subject, have had the same under consideration, and have directed me to return the same, recommending that the same do lie on the table.

Which was concurred in.

Mr. Boone submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 31, entitled "An act supplemental to an act authorizing the assessment of lands for plank, Macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject approved March 11, 1867, the act aforesaid having been approved May 14, 1869, and repealing so much of said act as affects such companies not organized at the taking effect of this act," report that they have had the same under consideration, and I am authorized by said committee to return the same, with the recommend that its passage be indefinitely postponed, and that the petitions and remonstrances accompanying the same be laid on the table.

Which was concurred in.

Mr. Boone submitted the following report :

• **MR. PRESIDENT :**

The Committee on the Judiciary to whom was referred Senate bill No. 142, entitled "An act providing for taking the sense of the qualified voters of this State on the calling of a convention to alter, amend or revise the Constitution of the State," report that they have had the same under consideration, and I am authorized by a majority of said committee to return the same with the recommendation that its passage be indefinitely postponed.

Which was concurred in.

Mr. Boone submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate
S. J.—29

bill No. 113, entitled "A bill for calling a convention to revise, alter or amend the Constitution of Indiana," report that they have had the same under consideration, and I am directed by the committee to return the same, with the recommendation that the bill be indefinitely postponed.

Mr. Steele moved to amend the report by laying the bill on the table.

Mr. Brown moved to lay the report and amendment on the table.

Which was agreed to.

Mr. Bowman submitted the following report:

MR. PRESIDENT:

The Committee on Agriculture, to whom was referred Senate bill No. 234—"a bill to prevent hogs from running at large," have had the same under consideration, and a majority of said committee have directed me to report the same back, recommending that the bill be indefinitely postponed.

Mr. Neff moved to recommit the bill to the Committee on County and Township Business.

Which was agreed to.

Mr. Fuller submitted the following report:

MR. PRESIDENT:

The majority of the Committee on County and Township Business, to whom was referred engrossed House bill No. 100, entitled "A bill in relation to the laying out, opening, widening, altering and vacating of streets, alleys and highways, and for cleaning or altering of water courses by the cities of this State, and providing for the appointment of commissioners to assess benefits and damages, prescribing their duties, and the method of procedure, and providing for the collection of benefits and payment of damages, and prescribing the duties of city officers in relation thereto, and providing remedies in such matters," have had the same under consideration, and have directed me to report the same back to the Senate, with the recommendation that the bill do pass.

Which was concurred in.

Mr. Fuller submitted the following report :

MR. PRESIDENT :

The Committee on Education, to whom was referred Senate bill No. 268—a bill to authorize the transfer of funds raised under the provisions of an act for the relief of the families of soldiers," have had the same under consideration, and have directed me to report the same back and recommend its passage.

Which was concurred in.

Mr. Slater moved to take up Senate bill No. 41.

Which was agreed to.

The question being, on concurring in the report of the committee on Senate bill No. 41, heretofore submitted.

Messrs. Slater and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beardsley, Boone, Bowman, Brown, Collett, Daggy, Dwiggin, Haworth, Hough, Hubbard, Neff, O'Brien, Sarnighausen, Steele, Stroud and Williams—16.

Those who voted in the negative were, Messrs. Beeson, Bunyan, Carnahan, Chapman, Daugherty, Dittemore, Fuller, Francisco, Friedley (of Lawrence), Gooding, Gregg, Harney, Miller, Oliver, Ringo, Slater, Taylor and Thompson—18.

So the report was not concurred in.

Mr. Thompson submitted the following report :

MR. PRESIDENT :

The Committee on the Phraseolgy, Arrangement and Engrossment of bills, have examined Senate bill No. 127, entitled, "An act in relation to the collection of promissory notes and contracts given for a patent right or territory for a patent right, authorizing the collection of judgments taken by default in certain cases, to be enjoined, enlarging the defence to such notes and contracts, when payable in bank, providing where such suit shall be commenced, and declaring an emergency.

Mr. Gregg submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred Senate bill No. 227, entitled, "A bill providing for the empanneling a jury, other than the regular panel in certain cases in the superior courts, circuit courts and courts of common pleas of this State, and declaring an emergency," have had the same under consideration and report said bill back with the recommendation that it do pass.

Which was concurred in.

Mr. Collett submitted the following report:

MR. PRESIDENT :

The Committee on Agriculture have had House bill No. 299—a bill to allow a bounty for fox scalps, etc., under consideration and direct me to report the bill back with the recommendation that the same pass.

Which was concurred in.

Mr. Dwiggins submitted the following report :

MR. PRESIDENT :

The Committee on Banks to whom was referred the report of the business and effects of the Bank of the State of Indiana, have had the same under consideration and report the same back with a recommendation that it do lie on the table.

Which was concurred in.

Mr. O'Brien submitted the following report :

MR. PRESIDENT :

The Committee on Public Printing to whom was referred House bill No. 167, entitled "A bill to preserve the original manuscript journals of the Senate and House of Representatives of the General Assembly and prescribing a penalty for the destruction or mu-

tilation thereof," have had the same under consideration and report the same back with a recommendation that it pass.

Which was concurred in.

Mr. Bunyan submitted the following report :

MR. PRESIDENT :

I am instructed by the Committee on County and Township Business to report that they have had under consideration Senate bill No. 271, entitled, "An act to amend section two of act entitled an act providing for the organization of county boards and prescribing some of their powers and duties," approved June 17, 1852, and that they recommend that the bill be laid on the table.

Which was concurred in.

Mr. O'Brien submitted the following report :

MR. PRESIDENT :

The Committee on Rights and Privileges to whom was referred Senate bill No. 95, to protect rivers, streams and bodies of water from which water is taken for the use of cities, towns, villages, or benevolent institutions, etc., have had the same under consideration and report the same back with the following amendments, to wit :

Strike out the word "ten" in section one, line eighteen, and insert "five" also, add to section one, the following proviso, viz :

Provided, That the provisions of this act shall not apply to or in any way affect the owners of pork houses, manufacturing establishments and other like improvements heretofore erected, and with these amendments they recommend that the bill do pass.

Mr. Chapman moved to lay the report on the table.

Which was agreed to.

Mr. O'Brien submitted the following report :

MR. PRESIDENT :

The Committee to whom was referred Senate bill No. 47—"A

bill to repeal an act entitled, "An act providing for the protection of fish and repealing all laws in conflict with the same, and prescribing penalties for the violation thereof," have had the same under consideration, and a majority of the committee recommend that the same be indefinitely postponed.

Which was concurred in.

Mr. Beeson submitted the following report :

MR. PRESIDENT :

The Committee on Reformatory Institutions to whom was referred House bill No. 332—a bill to authorize the enlargement of the House of Refuge for juvenile offenders and making appropriations therefor, and declaring an emergency, have had the same under consideration and report the same back with the recommendation that it pass.

Mr. Slater moved to lay the report on the table.

Messrs. Slater and Fuller demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Bowman, Carnahan, Fuller, Gregg, Harney, Ringo, Slater and Williams—8.

Those who voted in the negative were, Messrs. Beardsley, Beeson, Bird, Boone, Brown, Bunyan, Chapman, Daggy, Dittemore, Dwiggin, Francisco, Friedley (of Lawrence), Haworth, Hough, Hubbard, Miller, Neff, O'Brien, Oliver, Sarnighausen, Steele, Stroud, Taylor and Thompson—24.

No quorum voting.

The President announced as the committee to whom was referred Senate bill No. 238, together with petition in relation thereto, to be Messrs. Glessner, Gooding, Williams, Brown, Gregg, Beeson, Daggy, Dittemore, Rhodes, Hubbard, Armstrong, Bird and Chapman.

Mr. Steele moved to reconsider the vote on the passage of Senate bill No. 33.

Mr. Brown moved that the Senate take a recess until two o'clock p. m.

Which was agreed to.

AFTERNOON SESSION.

Senate re-assembled 2 o'clock p. m.

Mr. Fuller demanded a call of the Senate.

Those who answered to their names were, Messrs. Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Dittemore, Dwig-gins, Fuller, Friedley (of Lawrence), Harney, Haworth, Hubbard, Miller, Neff, Sarnighausen, Slater, Stroud, Taylor, Thompson and Williams—22.

Mr. Brown moved that the doors of the Senate Chamber be closed and absentees be sent for.

Which was agreed to.

Mr. Slater moved to dispense with further proceedings under the call.

Which was not agreed to.

Mr. Slater moved that the Senate now adjourn.

Which was not agreed to.

Mr. Dittemore moved that further proceedings under the call be dispensed with.

Which was not agreed to.

Mr. Thompson moved that the Senate do now adjourn.

Which was not agreed to.

The President ordered a call of the Senate.

Those answering to their names were Messrs. Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwig-gins, Fuller, Francisco, Friedley (of Lawrence), Gooding, Gregg, Harney, Haworth, Hough, Hubbard, Miller, Neff, O'Brien, Oliver, Sarnighausen, Slater, Steele, Stroud, Taylor, Thompson and Williams—34.

Mr. Brown moved to dispense with further proceedings under the call.

Which was agreed to.

Mr. Brown moved to suspend the order of business, and take up engrossed House bill No. 361.

Which was agreed to.

Mr. Brown moved that the constitutional rule requiring bills to be read on three several days, and read engrossed House bill No. 361 a first and second time by title, and a third time by sections now, and put upon its passage.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Lawrence), Gooding, Gregg, Harney, Haworth, Hough, Hubbard, Miller, Neff, O'Brien, Oliver, Sarnighausen, Slater, Steele, Stroud, Taylor, Thompson and Williams—34.

No Senator voting in the negative.

So the constitutional rule was suspended, and engrossed House bill No. 361 was read a first and second time by title only.

Mr. Friedley (of Lawrence) moved to refer the bill to a select committee of three.

Mr. Brown moved to lay the motion on the table.

Which was agreed to.

Engrossed House bill No. 361—a bill to repeal all laws now in force establishing the time for holding the Circuit Courts in the second Judicial Circuit, to fix the time of holding said courts, requiring all persons to take notice thereof, and providing for the return of process thereto.

Which was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were, Messrs. Beardsley, Beggs, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Chapman, Collett, Daugherty, Dwiggin, Fuller, Francisco, Harney, Haworth, Oliver, Sarnighausen, Slater, Steele, Stroud, Taylor and Williams—23.

Those who voted in the negative were, Messrs. Daggy, Dittemore, Friedley (of Lawrence), Gooding, Gregg, Hough, Hubbard, Miller, Neff, O'Brien and Thompson—11.

So the bill failed to pass for want of a constitutional majority.

Mr. Brown asked and obtained leave of absence until Monday next, February 17th.

Mr. Daugherty asked and obtained leave of absence until Wednesday next.

Mr. Daggy asked and obtained leave of absence for Wednesday and Thursday of next week.

Mr. Boone offered the following resolution :

Resolved, That all members of this Senate, absent after the present week, except in case of sickness, with or without leave of absence, shall not be entitled to or receive their per diem for the time absent.

Mr. Brown moved to amend the resolution by striking out the word "with."

Mr. Williams moved to lay the amendment on the table.

Which was agreed to.

The question being, on the adoption of the resolution.

Mr. Brown moved to lay the resolution on the table.

Messrs. Slater and Brown demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beeson, Brown, Chapman, Daggy, Daugherty, Dittemore, Fuller, Francisco, Good-

ing, Gregg, Hubbard, Neff, Oliver, Sarnighausen, Stroud and Thompson—16.

Those who voted in the negative were, Messrs. Beardsley, Bird, Boone, Bowman, Bunyan, Carnahan, Collett, Dwiggin, Friedley (of Lawrence), Harney, Haworth, Hough, Miller, O'Brien, Slater, Steele, Taylor and Williams—18.

So the motion to lay the resolution on the table did not prevail.

Mr. Brown then moved that the resolution be indefinitely postponed.

Messrs. Slater and Brown demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beeson, Bird, Brown, Chapman, Daggy, Daugherty, Dittemore, Fuller, Francisco, Friedley (of Lawrence), Gooding, Gregg, Hough, Hubbard, Neff, O'Brien, Oliver, Sarnighausen, Steele, Stroud, Taylor and Thompson—22.

Those who voted in the negative were, Messrs. Beardsley, Boone, Bowman, Bunyan, Carnahan, Collett, Dwiggin, Harney, Haworth, Miller, Slater and Williams—12.

So the motion to indefinitely postpone the resolution was agreed to.

Mr. Williams laid before the Senate the following communication :

TO THE HON. SENATE AND HOUSE OF REPRESENTATIVES :

Gentlemen :—I have the honor to enclose the proceedings of the State Board of Agriculture, adopted this day, to which I most respectfully ask the favorable consideration of your honorable bodies. I trust they will receive the attention which you always give to public affairs. Very Respectfully,

(Signed)

JNO. SUTHERLAND, President.

Which was referred to the joint committee heretofore appointed on the same subject.

Mr. Friedley (of Lawrence,) moved to take up the resolution of Mr. Neff to change the rules of the Senate.

Which was agreed to.

The question being on the adoption of the resolution.

Mr. Dittemore offered the following amendment: Strike out the word "ten," and insert "five."

Mr. Brown moved to amend the amendment by inserting "except by the consent of the Senate."

Which was agreed to.

Mr. Daggy moved to amend the amendment, by inserting "and that explanation of votes be disallowed."

Which was agreed to.

Mr. Brown moved to reconsider the vote on the adoption of Mr. Daggy's amendment.

Which was agreed to.

The question being on the adoption of the amendment to the amendment offered by Mr. Daggy,

Mr. Fuller moved that the amendment do lie on the table.

Which was agreed to.

The question being on the adoption of Mr. Dittemore's amendment as amended,

Which was agreed to.

The question being on the adoption of the resolution as amended.

Which was adopted.

Mr. O'Brien moved that when the Senate adjourn, it be until 2 o'clock p. m. on Monday next.

Messrs. O'Brien and Hough demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beeson, Bird,

Bowman, Brown, Bunyan, Daggy, Dittemore, Fuller, Francisco, Gregg, Harney, Miller, Neff, O'Brien, Oliver, Slater, Steele, Taylor and Thompson—19.

Those who voted in the negative were, Messrs. Beardsley, Boone, Carnahan, Chapman, Collett, Dwiggin, Friedley (of Lawrence,) Gooding, Haworth, Hough, Hubbard, Sarnighausen, Stroud and Winterbotham—14.

No quorum voting.

Mr. Chapman moved that the Senate do now adjourn.

One tenth of the Senate demanding the ayes and noes.

Those who voted in the affirmative were, Messrs. Chapman, Daggy, Dwiggin, Friedley (of Lawrence,) and Williams.—5.

Those voting in the negative were, Messrs. Beardsley, Beeson, Bird, Boone, Bowman, Bunyan, Carnahan, Collett, Fuller, Francisco, Gooding, Gregg, Harney, Haworth, Hough, Hubbard, Miller, Neff, O'Brien, Oliver, Sarnighausen, Slater, Steele, Stroud, Taylor and Thompson—26.

No quorum voting.

Mr. Gregg demanded a call of the Senate.

Those who were present and answered to their names were, Messrs. Beardsley, Beeson, Bird, Boone, Bowman, Bunyan, Carnahan, Chapman, Collett, Daggy, Dwiggin, Fuller, Francisco, Friedley (of Lawrence,) Gooding, Gregg, Harney, Harworth, Hough, Hubbard, Miller, Neff, O'Brien, Oliver, Sarnighausen, Steele, Stroud, Taylor, Thompson and Williams—30.

Mr. Taylor moved to close the doors and send for the absentees.

Which was not agreed to.

Mr. Williams moved to adjourn.

Which was not agreed to.

Mr. Dittemore moved that the Senate do now adjourn.

Which was agreed to.

G. W. FRIEDLEY,
President of the Senate, *pro tem.*

SATURDAY MORNING.

FEBRUARY 8, 1873 10 o'clock.

Senate met.

On call of the Senate, the following Senators were present answering to their names :

Messrs. Beardsley, Bowman, Carnahan, Chapman, Daggy, Dittemore, Dwiggins, Fuller, Friedley (of Lawrence), Gooding, Gregg, Harney, Haworth, Hough, Hubbard, Miller, Rhodes, Sarnighausen, Slater, Stroud and Williams—21.

On motion of Mr. Hubbard, the Senate adjourned until Monday next, at 10 o'clock A. M.

GEO. W. FRIEDLEY,
President of the Senate.

MONDAY MORNING.

FEBRUARY 10, 1873, 10 o'clock..

Senate met.

Prayer by the Rev. Mr. Clark, of Hamilton county.!

On a call of the Senate, those who answered to their names were Messrs. Beardsley, Bunyan, Carnahan, Daggy, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Lawrence), Glessner,

Gooding, Gregg, Harney, Haworth, Hough, Hubbard, Miller, Neff, O'Brien, Oliver, Rhodes, Sarnighausen, Scott, Slater, Sleeth, Steele, Stroud, Taylor, Thompson and Williams—33.

Mr. Dittemore moved that the doors be closed and the absentees sent for.

Mr. Brown moved that the Senate adjourn.

Which was agreed to.

LEONIDAS SEXTON,

President of the Senate.

TUESDAY MORNING.

FEBRUARY 11, 1873, 10 o'clock.

Senate met.

Prayer by the Rev. H. R. Naylor.

Mr. Dittemore demanded a call of the Senate.

On call of the Senate the following Senators answered to their names :

Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Steele, Stroud, Taylor, Thompson, Wadge and Williams—42.

Mr. Friedley, of Lawrence, moved to dispense with further proceedings under the call.

Which was agreed to.

Mr. Smith asked and obtained leave of absence indefinitely.

Mr. Winterbotham asked and obtained leave of absence indefinitely.

Mr. Taylor moved to dispense with the reading of the Journals of Friday, Saturday and Monday.

Which was agreed to.

Mr. Friedley, of Lawrence, offered to amend the Journal of Friday as follows :

Mr. Dittmore moved to correct the Journal so as to show that he asked leave to withdraw his motion to reconsider, and to lay that motion on the table.

Which was objected to, and the chair held that the motion could only be withdrawn by unanimous consent.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Orr presented the claims of William Scott, Thomas N. Stilwell, Edward R. Channon, Fleming T. Luse, John F. Wildman, Joseph Fulton and William Shidler.

Which were referred to the Committee on Claims without reading.

Mr. Bowman presented a petition from Washington county, asking a more stringent law restraining the sale of intoxicating liquors.

Which was referred to the Committee on Temperance.

Mr. Hall presented a petition from citizens of Laporte county regarding the sale of intoxicating liquors.

Which was referred to the Committee on Temperance.

Mr. Scott presented a petition from the citizens of Vigo county on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Friedley, of Lawrence, offered a petition from citizens of

Monroe county, relating to the suppression of the sale of intoxicating liquors.

Which was referred to the Committee on Temperance.

Mr. Haworth presented a petition from the citizens of Union county on the subject of Temperance.

Which was referred to the Committee on Temperance.

Mr. Gooding presented a petition from sundry citizens of Vanderburgh county on the subject of Temperance.

Which was referred to the Committee on Temperance.

Mr. Neff presented nine petitions from the citizens of the State on the subject of temperance.

Which were referred to the Committee on Temperance.

Mr. Gooding presented a remonstrance from citizens of Vanderburgh county on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Beeson presented the following petition from thirty-seven thousand citizens of the State of Indiana, relative to the passage of a law restraining the sale of intoxicating liquors.

Which was referred to the Committee on Temperance.

Mr. Daggy presented the following petition from many citizens of Hendricks county, relative to the Hunting Bill.

Mr. Daggy moved that the petition do lie on the table.

Which was agreed to.

Message from the House of Representatives by Mr. Nixon, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following concurrent resolution of the Senate, to-wit :

Resolved by the Senate, (the House concurring), That the State

Geologist, with the advice of the Governor, and a committee of three on the part of the Senate, consisting of the Senator from Vermillion, the Senator from Warwick and the Senator from St. Joseph, with a like committee to be appointed on the part of the House, be, and he is hereby directed to collect and arrange and label specimens of the coals, stones, ores and mineral earths; also of the grapes grown in this State, for the purpose of forwarding such specimens to the World's Exposition, to be held in Vienna, by the ship provided by the United States and now in the harbor of New York, and such committee is directed to report to this General Assembly the probable cost of such collection and the proper display of the same, and other matters for the information of the General Assembly relative to the subject, and the Speaker has appointed Messrs. Scott, Woollen and Gronendyke on such committee on the part of the House.

I am also directed to inform the Senate that the House has concurred in the amendments of the Senate to House bill No. 71, entitled, "A bill to amend section sixty of an act entitled, 'An act to repeal all general laws now in force for the incorporation of cities, etc.' "

Mr. Hough submitted the following report from the Committee on Education :

MR. PRESIDENT :

The Committee on Education, to whom was referred Senate bill No. 258, entitled, "An act to prevent betting on elections, and providing punishment for the same, have had the same under consideration and have directed me to report the same back to the Senate with the recommendation that section one thereof be amended as follows: 1st. By striking out all between the word, "thereof" in line six and the word "any" in line eight, and inserting in lieu thereof the words, "shall be fined in." 2nd. By striking out all of lines ten and eleven thereof, and that section two be amended to read as follows: 1st. By inserting after the word "to" in line seven the word "be." 2nd. By striking out all between the word "bet" in line ten and the word "and" in line eleven, and that when said bill be so amended, they recommend that the same do pass.

Which was concurred in.

S. J.—20

Mr. Armstrong submitted the following report :

MR. PRESIDENT :

The Committee on Education, to whom was referred Senate bill No. 280—a bill to amend section eleven of an act entitled, “An act to provide for a general system of common schools, the officers thereof, and their powers and duties and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed,” approved March 6, 1865, have had the same under consideration and have directed me to report the same back, and recommend that the bill do lie on the table.

Which was concurred in.

Mr. Hough submitted the following report from the Committee on Education :

MR. PRESIDENT :

The Committee on Education, to whom was referred Senate bill No. 240, entitled, “A bill to amend the 156th section of an act to provide for a general system of common schools, etc., have had the same under consideration, and direct me to report the same back to the Senate with the recommendation that the same be amended as follows :

First. By striking out the word “to,” in the thirty-fourth line thereof.

Second. By striking out all between the word “and,” in line forty-three, and the word “engaged,” in line forty-five, and inserting in lieu thereof the following: “ Mileage at the rate of five cents for each mile necessarily traveled.”

Third. By inserting after the word “therefor,” in line fifty-one, the following words: “ On the Treasurer of State, and the same shall be paid.”

Fourth. By striking out all between the word “fund,” in line fifty-two, and the beginning of line fifty-four, and inserting in lieu

thereof the following: "And the amounts paid out on such warrants shall be."

Fifth. By inserting after the word "certificates," in line sixty, the words "if the same be sufficient."

Sixth. By striking out the word "it," in line sixty-three, and insert in lieu thereof the words "remaining after the payment of such warrants at the end of the fiscal year such residue."

Seventh. By adding after the word "library," in line sixty-nine, the following: Which books and library shall belong to and be kept in the office of the Superintendent of Public Instruction for the use of the State Board of Education; and shall, together with a complete catalogue thereof be delivered by such Superintendent of Public Instruction to his successors in office.

Eighth. By adding the following section thereto:

"SECTION 2. An emergency is hereby declared for the Immediate taking effect of this act, the same shall therefore take effect and be in force from and after its passage, and when so amended that the bill do pass."

Which was concurred in.

Mr. Carnahan from the Committee on Corporations, offered the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate bill No. 266—an act to require surviving partners to file inventories and appraisements in the office of the Clerk of the Circuit Court, and to report the liabilities of such firms, and to execute bond for the assets of said firms, and making provisions for violations thereof, have had the same under consideration, and a majority thereof have directed me to report back the same and recommend its passage.

Which was concurred in.

Mr. Hubbard from the Committee on Corporations offered the following report:

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 236—an act concerning cemeteries, have had the same under consideration, and a majority of said Committee recommend its passage.

Which was concurred in.

Mr. Hubbard submitted the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 270—entitled “ An act to authorize incorporated cities containing a population of forty thousand or upwards, to purchase and use for certain purposes real estate,” etc., have had the same under consideration, and a majority of said Committee recommend its passage.

Which was concurred in.

Mr. Hubbard from the Committee on Corporations, to whom was referred Senate bill No. 248—an act to provide for exemption from sale on execution of occupied lots in public cemeteries, which have been platted and recorded, have had the same under consideration, and a majority of said Committee recommend the passage of the bill.

Which was concurred in.

Mr. Hubbard submitted the following report :

MR. PRESIDENT :

The Committee on Corporations to whom was referred Engrossed House bill No. 146—a bill to prevent the obstruction of ditches, drains and running streams, have had the same under consideration and a majority of said committee recommend its passage.

Which was concurred in.

Mr. Orr submitted the following report :

MR. PRESIDENT :

The Committee on Agriculture, to whom was referred Senate bill No. 255—a bill to prevent the owners of hogs having the cholera from letting them run at large, have had the same under consideration and have directed me to report the same back to the Senate with the following amendments: After the word “shall” in the 5th line of the first section add the following words, “upon conviction thereof,” and amend by adding section two.

SECTION 2. An emergency exists for the immediate taking effect of this act, it shall therefore take effect and be in force from and after its passage; and when so amended recommend its passage.

Which was concurred in.

Mr. Orr, from the Committee on Agriculture, offered the following report :

MR. PRESIDENT :

The Committee on Agriculture to whom was referred Senate bill No. 123—an act to amend section 22 of an act entitled “an act concerning enclosures, trespassing animals and partition fences,” approved June 4, 1852, declaring it a misdemeanor to violate the provisions of this act, prescribing punishment therefor and declaring an emergency, have had the same under consideration and direct me to return it to the Senate with the recommendation that it lie on the table.

Which was concurred in.

Mr. O'Brien from the Committee on Public Printing, submitted the following report :

MR. PRESIDENT :

The Committee on Public Printing to whom was referred Senate bill No. 257, entitled, “A bill concerning public printing, stationery, repairs of public buildings or property and rents of property for the State,” report that they have had the same under consideration and recommend that the same be amended as follows, viz :

SECTION 2. Add after the word "month," "or type-setters by the 1000 ems." Also add to section 10 the following provisio, viz: That in case the Superintendent of public printing shall violate any of the provisions of this section, it shall be the duty of the other members of said board of public printing to remove him from office, and appoint a successor, who shall perform the duties of superintendent of public printing until his successor is elected and qualified, and with these amendments a majority of said committee recommend that the bill shall pass.

Mr. Beardsley submitted the following report:

MR. PRESIDENT:

The undersigned member of the Committee on Public Printing to whom was referred Senate bill No. 257, entitled "A bill concerning public printing, stationery, repairs of public buildings or property, etc., respectfully dissent from the report of the majority of the committee on said bill and recommends that the same bill be laid on the table, and futher recommends that Senate bill No. 245, entitled, "A bill providing for the letting of the State printing to the lowest bidder and providing that the Governor, Secretary of State, and Auditor of State, shall be *ex-officio* commissioners of public printing, and providing for the appointment of a superintendent of public printing, and abolishing the office of State Printer," which was also referred to said committee, be amended as follows, to-wit:

First. Amend by striking out in section two, line five, the word "sealed" after the word "for" and inserting instead thereof the word "open."

Second. Amend by inserting after the word "reports" in section three, line 12, the words "report of the Canal Trustees."

Third. Amend by striking out in section three, line nineteen, the word "or" before the word "auditor" and the word "or" before the word "treasurer," and by inserting after the word "State," in line twenty, the words "Superintendent of Public Instruction, Clerk of the Supreme Court."

Fourth. Amend by inserting in section four, line five, after "cents per 1,000 ems," the words "signatures, per 1,000."

Fifth. Amend by adding to the close of section eight the words "and the said Superintendent of Public Printing shall have a practical knowledge of book binding."

Sixth. Amend in section ten, line four, by substituting, instead of the word "opening," the word "receiving."

Seventh. Amend in section fifteen, line eleven, by striking out the words "one thousand," and inserting the words "two thousand."

Eighth. Amend in section five, line five, by inserting after the word "brevier," the words "or nonpareil, as the case may require." In line seven strike out "4,700," and insert "4,500." In line ten insert after the word "blanks," the words "or break lines."

Ninth. Amend section nine by adding at close thereof these words: "When the State Printer shall require paper to do any work for the State he shall make a requisition upon the Superintendent of Public Printing stating the number or copies ordered and the work for which such paper is to be used. If such requisition is found to be correct the Superintendent of Public Printing shall issue an order on the Secretary of State for such paper, stating the quantity and quality of paper to be furnished, and shall keep a correct account of all such orders issued, and shall charge the paper to the State Printer."

And he further recommends that when said bill is so amended that it do pass.

Mr. Slater moved that the bill and report be made a special order for 10:30 o'clock a. m. on to-morrow.

Which was agreed to.

Mr. Dittmore submitted the following report:

MR. PRESIDENT:

The Committee on Public Printing, to whom was referred Senate bill No. 225, entitled "An act to provide for the Public Printing, regulating the prices to be paid therefor, fixing the time and mode of electing a Public Printer, defining his duties, establishing a pub-

lic printing commission, fixing compensation, and repealing all laws coming in conflict with this act," have had the same under consideration, and direct me to report the same back and recommend the indefinite postponement of the bill.

Which was concurred in.

Mr. Rhodes submitted the following report :

MR. PRESIDENT :

The Committee on Fees and Salaries, to whom was referred sundry bills on the subject of fees and salaries of officers, beg leave to report that in conjunction with a like committee from the House, they have had under consideration the various bills submitted in both the Senate and the House, and after careful consideration have deemed it best to prepare and submit a bill on that subject. They, therefore, present to the Senate for its consideration and action the accompanying bill, and recommend its passage.

Mr. Dittemore moved that the report do lie on the table, and that three hundred copies of the bill be printed.

Which was agreed to.

Mr. Sleeth submitted the following report :

MR. PRESIDENT :

The Committee on Claims respectfully report that they have had under consideration Senate bill No. 224, entitled "An act for the relief of Nicholas Moorback, Joseph E. Land, and Francis Joseph Wetzler, and a majority of said committee authorize me to report the same back to the Senate, and recommend its passage.

Which was concurred in.

Mr. Orr submitted the following report :

MR. PRESIDENT :

The majority of the Committee on County and Township Business, to whom was referred Senate bill No. 269, entitled "a bill authorizing county commissioners to reimburse marshals and con-

stables for expenses incurred in certain cases therein named, and declaring an emergency," have had the same under consideration, and directed me to report the same back to the Senate and recommend that the same be laid on the table. •

Which was concurred in.

Mr. Collett offered the following :

Resolved, That whereas a question has arisen as to the eligibility of women to the office of State Librarian, therefor the Attorney General is hereby requested and directed to examine and report to the Senate his opinion on that question at his earliest convenience.

Which was adopted.

Mr. Rhodes offered the following concurrent resolution :

Resolved by the Senate, (the House of Representatives concurring), that our Senators in Congress be and they are hereby instructed, and our Representatives requested to use their influence to secure the passage, at the earliest possible day, of a law reducing to a reasonable standard the rates of charges for freight and passenger fare on the railroads in this country.

Mr. Scott moved to refer the resolution to the Committee on Railroads.

Which was agreed to.

INTRODUCTION OF BILLS.

Mr. Dittmore introduced Senate Bill No. 290—a bill to suspend the operations and provisions of an act approved May 18, 1869; being an act to establish a Female Prison and Reformatory Institution for girls and woman, to provide for the organization and government thereof and making appropriations, and to provide for occupying and using the buildings and grounds of the Institution lately erected by the State known as the "Indiana Reformatory Institution for women and girls," for the benefit of the insane as an additional asylum, and arranging for their transfer, management and government, and making appropriations for the same.

Which was read a first time.

Senate bill No. 291, introduced by Mr. Orr—a bill to amend section forty-seven of an act defining felonies and prescribing punishment therefor, approved June 10, 1852.

Mr. Wadge moved to reject the bill.

Messrs. Slater and Wadge demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beeson, Bunyan, Gooding, Haworth, Howard, Hubbard, Neff, O'Brien, Rhode, Scott, Steele, Taylor, Thompson and Wadge—14.

Those who voted in the negative were, Messrs. Armstrong, Bird, Boone, Bowman, Carnahan, Cave, Chapman, Collett, Dittmore, Dwiggins, Fuller, Francisco, Friedley (of Lawrence), Friedley (of Scott), Gregg, Harney, Hough, Orr, Ringo, Sarnighausen, Slater, Sleeth, Stroud and Williams—23.

So the motion to reject the bill was not agreed to.

The Committee on Fees and Salaries introduced Senate bill No. 292—a bill regulating the fees of officers therein named and providing penalties for its violation, repealing certain acts therein named and declaring an emergency.

Mr. Dwiggins moved to suspend the constitutional rule, requiring bills to be read on three several days, and read the bill by title only.

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Boone, Bowman, Bunyan, Carnahan, Cave, Chapman, Collett, Dittmore, Dwiggins, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Gooding, Gregg, Hall, Harney, Haworth, Hough, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Steele, Stroud, Taylor, Thompson, Wadge and Williams—41.

No Senator voting in the negative.

So the constitutional rule was suspended, and Senate bill No. 292 read by title.

Senate bill No. 293, introduced by Mr. Wadge—an act supplemental to an act entitled, "An act to provide for the election,

fixing the compensation and prescribing the duties of the Attorney General of the State of Indiana, approved February 21, 1855, and repealing an act entitled, "An act to amend sections four and seven of an act to provide for the election, fixing the compensation, and prescribing the duties of the Attorney General of the State of Indiana," approved June 3, 1861, and prescribing additional duties of Clerks of Circuit Courts and Prosecuting and District Attorneys.

Which was read a first time.

Mr. Sarnighausen introduced Senate bill No. 294—a bill to amend an act entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," approved December 21, 1872.

Which was read a first time, and referred to the Committee on Finance.

Mr. Gooding introduced Senate bill No. 295—a bill to amend sections two, twelve and fourteen of an act approved Dec. 14, 1872, entitled "An act to enable counties bordering on the State lines or rivers forming State boundaries, and townships and cities therein to aid in the construction of Railroads opposite such counties in other States, to run to such counties or to the State line or river forming the State boundary bordering such counties, or to form connections with other railroads in such counties, and prescribing the duties of the officers of such counties for that purpose, and authorizing such cities to issue bonds for such aid, and declaring an emergency.

Which was read a first time.

Senate Bill No. 296, introduced by Mr. Dwiggins—a bill requiring railroad companies to pay an equal amount of the costs of keeping railroad crossings in repair where two railroads cross each other.

Which was read a first time and referred to the Committee on Railroads.

Mr. Hough introduced the following bill, No. 297—an act making it unlawful for any person owning or having the possession, care,

management or control of any saloon, restaurant, room or other place in which intoxicating liquors of any kind are kept for sale, to allow, permit, or suffer any person or persons under the age of twenty-one years, to come into, or to stay, loaf or congregate in or about such saloon, restaurant, room or other place where such liquors are so kept, and fixing the penalty for violating this act.

Which was read a first time.

Senate bill No. 298, introduced by Mr. Hough—an act to amend section 186 of an act entitled “An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,” approved June, 1852.

Which was read a first time.

Senate bill No. 299, introduced by Mr. Thompson—an act providing for distribution of proceeds of sale of school house property where portions of school districts are annexed to cities of thirty thousand or more inhabitants, and where school house property of such districts within the annexed territory is sold.

Which was read a first time and referred to the Committee on Corporations.

Mr. Harney introduced Senate bill No. 300—a bill for an act authorizing the Board of County Commissioners of any county to make an allowance for the benefit of organized draining companies, their officers and sureties, and prescribing under what circumstances such allowance may be made, and declaring an emergency.

Which was read a first time.

Mr. Thompson submitted the following report:

MR. PRESIDENT:

The Committee on Phraesology, Arrangement and Engrossed Bills have had House bill No. 130, entitled “A bill to render uniform the rate of interest on the common school fund of the State

of Indiana, under consideration, and find the same correctly encrossed.

Mr. Bunyan offered the following:

Resolved, That for the remainder of the present session the first standing rule for the government of the Senate be so changed as to require the President to take the chair and call the Senate to order at nine o'clock a. m., each day.

Which was laid over under the rule.

On motion by Mr. Rhodes the Senate took a recess until two o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled, 2 o'clock p. m.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled bills report that they have had House bill No. 71, entitled, "An act to amend section 60 of an act entitled an act to repeal all general laws now in force for the incorporation of cities, prescribing their powers, etc., and find the same correctly enrolled.

Senate bill No. 301, introduced by Mr. Steele—an act for the incorporation of companies formed for the purpose of constructing bridges for railway or common roadway purposes or both, over rivers and streams forming the boundaries of the State of Indiana or a part thereof."

Which was read a first time and referred to the Committee on the Judiciary.

Engrossed House bill No. 361—a bill to repeal all laws now in force establishing the times of holding circuit courts, in the second judicial circuit to fix the times of holding said court, requiring

all persons to take notice thereof, providing for the return of process thereto, was taken up.

By unanimous consent Mr. Hall offered the following amendment:

SEC. 4. An emergency exists for the immediate taking effect of this act, the same shall therefore be in force from and after its passage.

Which was adopted.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Bird, Boone, Bowman, Eunyan, Carnahan, Cave, Chapman, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Scott,) Gooding, Hall, Haworth, Howard, Hubbard, Miller, Neff, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Steele, Stroud, Taylor, Thompson, Wadge and Williams—34.

Messrs. Daggy, Hough and O'Brien, voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED, That the Secretary inform the House of the passage of the bill.

Senate bill No. 302, introduced by Mr. Dwiggins—an act to make general indexes of deeds and mortgages and evidences in certain cases.

Which was read a first time and referred to the Committee on the Judiciary.

Senate bill No. 303, introduced by Mr. Daggy—a bill defining certain felonies and prescribing penalties.

Which was read a first time and referred to the Committee on the Judiciary.

Senate bill No. 304, introduced by Mr. Dwiggins—an act to repeal section 7 of “An act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the conditions of said grant,” approved May 29th, 1852.

Which was read a first time and referred to the Committee on Swamp Lands.

Senate bill No. 290 was taken up and referred to the Committee on the Judiciary.

Senate bill No. 305, introduced by Mr. Sleeth—a bill to incorporate trustees selected by any religious society, for educational, benevolent or charitable purposes and enable them to receive and hold real and personal property for such purposes.

Which was read a first time and referred to the Committee on Corporations.

Senate bill No. 306, introduced by Mr. Dwiggins—an act providing for the organization of incorporated companies, with power to lay out and build towns or additions to towns in the State of Indiana.

Which was read a first time, and referred to the Committee on Corporations.

Senate bill No. 307, introduced by Mr. Hall—an act amending an act entitled “An act regarding estrays and articles adrift,” approved June 16, 1852.

Which was read a first time, and referred to the Committee on Rights and Privileges.

Senate bill No. 295 was taken up, and referred to the Committee on the Judiciary.

Senate bill No. 308, introduced by Mr. Dwiggins—a bill to provide for the custody, care, appraisement and sale of all land or

other property belonging to the common school fund in all cases where no other provision has been made by law.

Which was read a first time, and referred to the Committee on Education.

Mr. Dittmore moved to make Senate bill No. 148 a special order for two o'clock p. m. to-morrow.

Which was agreed to.

Mr. Scott moved to suspend the order of business, and take up Senate bills on a second reading.

Which was agreed to.

SENATE BILLS ON SECOND READING.

Senate bill No. 83—an act defining the offense of libel, making the same a misdemeanor, and prescribing the punishment thereof.

Which was read a second time, and ordered engrossed.

Senate bill No. 90—a bill to amend section twenty-four of an act entitled "An act regulating descents and the apportionment of estates," approved May 14, 1852, and declaring an emergency.

Which was read a second time, and ordered engrossed.

Senate bill No. 61—a bill to protect society against dangerous consequences arising from setting persons at liberty who may have been acquitted of any murder, manslaughter, robbery, arson, rape, larceny, or other felony, upon the ground and defense of insanity.

Which was read a second time.

Mr. Glessner moved to amend the bill by adding the words, "and also at the time of the trial."

Mr. Dittmore moved to lay the amendment on the table.

Mr. O'Brien moved to amend by laying the bill and amendment on the table.

Mr. Friedley (of Lawrence), demanded a division of the question.

The question first being, shall the bill be laid on the table?

Messrs. Glessner and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Bird, Cave, Glessner, Gooding, Gregg, Hubbard, O'Brien, Rhodes, Scott and Steele—10.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bowman, Bunyan, Carnahan, Chapman, Collett, Daggy, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Hall, Harney, Haworth, Hough, Howard, Miller, Neff, Oliver, Orr, Ringo, Sarnighausen, Slater, Sleeth, Stroud, Taylor, Thompson and Williams—33.

So the motion to lay the bill on the table was not agreed to.

The question then being, on laying the amendment on the table,

It was agreed to and the bill ordered engrossed.

Senate bill No. 117—an act regulating the granting of divorces, nullification of marriages, and decrees and orders of Courts incident thereto, and repealing all laws conflicting with this act, and declaring an emergency.

Mr. Dittemore offered the following amendment: Where the words for "habitual drunkenness" occurs, strike out "three years," and insert "one year."

Mr. Sleeth moved to amend the amendment by striking out "one year," and insert "two years."

Mr. Slater moved to lay the amendment on the table.

Which was agreed to.

Mr. Hall moved to lay the amendment offered by Mr. Dittemore on the table.

Messrs. Slater and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Bunyan, Carnahan, Friedley (of Scott,) Glessner, Hall, Harney, Haworth, Howard, Miller, Neff, Sarnighausen and Taylor—13.

Those who voted in the negative were, Messrs. Beardsley, Beeson, Bird, Boone, Bowman, Cave, Chapman, Collett, Daggy, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Lawrence,) Gooding, Gregg, Hough, Hubbard, O'Brien, Oliver, Orr, Rhodes, Scott, Slater, Sleeth, Steele, Stroud, Thompson and Williams—29.

So the motion to lay the amendment on the table was not agreed to.

The question being on the adoption of Mr. Dittemore's amendment,

Mr. Friedley (of Lawrence) offered the following substitute :

Recommit the bill to the Committee on the Judiciary with instructions to report a new bill, to amend the present statute by repealing the seventh cause or ground of divorce mentioned in section 7 of the act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto, approved May 13, 1852.

Mr. Chapman moved to lay the substitute on the table.

Messrs. Slater and Gooding demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bowman, Bunyan, Chapman, Collett, Daggy, Dwiggins, Friedley (of Scott), Gregg, Hall, Harney, Haworth, Hough, Howard, Miller, O'Brien, Orr, Sarnighuasen and Williams—20.

Those who voted in the negative were, Messrs. Beardsley, Bird, Boone, Carnahan, Cave, Dittemore, Fuller, Francisco, Friedley (of Lawrence,) Glessner, Gooding, Hubbard, Neff, Oliver, Rhodes, Scott, Slater, Sleeth, Steele, Stroud, Taylor and Thompson—22.

So the motion to lay the substitute on the table was not agreed to.

The question being on the adoption of the substitute offered by Mr. Friedley (of Lawrence,)

Mr. Dwiggins demanded a division of the question.

The question first being, shall the bill be recommitted to the Committee on the Judiciary?

Messrs. Néff and Orr demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Bird, Boone, Bowman, Carnahan, Cave, Daggy, Dittemore, Fuller, Francisco, Friedley (of Lawrence,) Glessner, Gooding, Ringo, Scott, Slater, Stroud and Taylor—17.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Beeson, Bunyan, Chapman, Collett, Dwiggin, Friedley (of Scott,) Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Sarnighausen, Sleeth, Steele, Thompson, Wadge and Williams—26.

So the motion to recommit the bill was not agreed to.

The question being on the adoption of the amendment offered by Mr. Dittemore.

Mr. Rhodes offered the following amendment to the amendment:

“Habitual drunkenness of either party, or the failure of the husband to make reasonable provision for his family.”

Which was adopted.

The question then being on the adoption of Mr. Dittemore's amendment as amended.

It was adopted.

Mr. Dittemore offered the following amendment: Strike out the word “freeholder,” in section seven, line seven.

Mr. Hall moved to lay the amendment on the table.

Messrs. Dittemore and Friedley (of Lawrence) demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bunyan, Chapman, Collett, Dwiggin, Francisco, Friedley (of Scott,) Glessner, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Taylor, Thompson, Wadge, and Williams—30.

Those who voted in the negative were, Messrs. Bird, Boone

Bowman, Carnahan, Cave, Daggy, Dittmore, Fuller, Friedley (of Lawrence,) Gooding, Gregg, Slater, Steele and Stroud—14.

So the motion to lay on the table, was agreed to.

Mr. Scott offered the following amendment :

Amend the second section by striking out all after the words "to be," and add the word "legitimate."

Which was adopted.

Mr. Sleeth offered the following amendment, to follow the close of section 7 : " and the plaintiff shall, with his petition, file with the clerk of the court, an affidavit subscribed and sworn to by himself, in which he shall state the length of time he has been a resident of the State, and stating particularly the place, town, city or township in which he has resided for the last two years past and stating his occupation which shall be sworn to before the clerk of the court in which said complaint is filed.

Which was adopted.

Mr. Dwiggins moved that the bill be ordered engrossed for a third reading on to-morrow, and upon that demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put ?

It was so ordered.

The question being, shall the bill be engrossed.

Messrs. Cave and Slater demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bunyan, Collett, Dwiggins, Francisco, Friedley (of Scott,) Hall, Harney, Harworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Ringo, Sarnighausen, Scott, Sleeth, Steele, Taylor, Thompson, Wadge and Williams—28.

Those who voted in the negative were, Messrs. Bird, Boone, Bowman, Carnahan, Cave, Daggy, Dittermore, Fuller, Friedley (of Lawrence,) Glessner, Gooding, Gregg, Slater and Stroud—14.

So the bill was ordered engrossed.

Senate bill No. 128—a bill in relation to the rights and powers of married women.

Which was read a second time.

Mr. Daggy moved to indefinitely postpone the bill.

Messrs. Hubbard and Armstrong demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Bird, Boone, Bowman, Bunyan, Carnahan, Cave, Daggy, Dittmore, Fuller, Francisco, Friedley (of Lawrence,) Gooding, Hall, Harney, Miller, Neff, Oliver, Ringo, Steele, Stroud and Williams—21.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Beeson, Collett, Dwiggin, Glessner, Gregg, Haworth, Hough, Howard, Hubbard, O'Brien, Orr, Rhodes, Sarnighausen, Scott, Slater, Sleeth, Taylor, Thompson and Wadge—21.

The vote being a tie, the Lieutenant Governor voted in the affirmative.

So the bill was indefinitely postponed.

Senate bill No. 189—a bill to amend section 648 of the practice act.

Which was read a second time, and ordered engrossed for a third reading on to-morrow.

Mr. Rhodes moved that the Senate do now adjourn.

Which was not agreed to.

Senate bill No. 130—an act to establish a sanitarium, and providing for the government thereof, repealing all conflicting laws, and declaring an emergency.

Which was read a second time.

Mr. Hall offered the following amendment: Add the following section:

SEC. 16. The board are hereby authorized to receive all donations tendered by temperance societies or individuals.

Mr. Steele moved to indefinitely postpone the bill and the amendments.

Mr. Slater demanded the previous question, which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, on the indefinite postponement of the bill and amendment.

It was agreed to.

On motion by Mr. Collett, the Senate adjourned.

LEONIDAS SEXTON,

President of the Senate.

WEDNESDAY MORNING.

FEBRUARY 12, 1873, 10 o'clock.

Senate met.

Prayer by the Rev. J. C. Smith, of the city of Indianapolis.

Mr. Fuller moved to suspend the order of business and take up bills on a second reading.

Which was agreed to.

Senate bill No. 229—an act to legalize the official acts of the board of trustees of the town of Cicero, Hamilton county, Indiana, and all other officers of said corporation, under an act for the incorporation of towns, defining their powers, providing for the election of officers thereof and declaring their duties, approved June 11, 1852, and the by-laws, rules, regulations and proceedings adopted in pursuance thereof.

Mr. Brown moved to refer the bill and remonstrances to the Committee on the Judiciary.

Which was agreed to.

Mr. Hall submitted the following report :

MR. PRESIDENT :

Your Joint Committee on Enrolled Bills report that they have carefully compared enrolled House bill No. 361, entitled "An act to repeal all laws now in force establishing the time of holding circuit courts in the second judicial circuit, to fix the times of holding said courts, requiring all persons to take notice thereof, providing for the return of process thereto, with the engrossed copy, and find that the same is correctly enrolled.

Message from the House by Mr. Nixon, Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following bills, to-wit :

Engrossed Senate bill No. 23—a bill to authorize the boards of commissioners of the several counties of this State to appropriate money to aid in putting or keeping in repair any canal running in, through or along any such county.

And the same is herewith returned to the Senate.

Engrossed House bill No. 380—a bill legalizing summons, executions and other process of law, issued by justices of the peace in incorporated cities to the marshals of said cities, and all acts done or performed under and by color of such suits, etc.

And the same are herewith submitted to the Senate for its action thereon.

I am also directed to inform the Senate that the Speaker has signed the following enrolled act, to-wit :

Enrolled act No, 71, H. R.—an act to amend section sixty of an act entitled "An act to repeal all general laws now in force for the incorporation of cities," etc., approved March 14, 1869.

Enrolled act No. 361, H. R.—an act to repeal all laws now in force establishing the time of holding the circuit court in the second judicial circuit, etc.

And the same are herewith submitted to the Senate for the signature of the President thereof.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills have had Senate enrolled act No. 62—an act to amend the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth sections of an act entitled “An act to incorporate the town of Bluffton,” approved February 12, 1851, and also to repeal section eleven of said act.

Senate bill No. 195—an act defining misdemeanors, and declaring the penalties therefor.

Mr. Steele moved that the bill be indefinitely postponed.

The hour of 10:30 o'clock a. m. having arrived, being the hour fixed for the consideration of Senate bills No. 245 and 257.

The same was taken up,

Mr. Friedley (of Lawrence) moved to refer the bills and reports to the Committee on the Judiciary.

Mr. Hall moved to amend by referring both bills and the reports to the Committee on the Judiciary, with instructions to report back a bill providing that paper and printing shall be let to the lowest responsible bidder.

Mr. O'Brien moved to lay the motion by Mr. Hall on the table.

Messrs. O'Brien and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Dittemore, Glessner, Gooding, Haworth, Hough, Howard, Neff, O'Brien, Rhodes, Sarnighausen, Slater, Sleeth and Wadge—13.

Those who voted in the negative were, Messrs. Armstrong,

Beardsley, Beeson, Beggs, Bird, Boone, Bowman, Bunyan, Carnahan, Cave, Daugherty, Dwiggin, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Gregg, Hall, Harney, Hubbard, Miller, Oliver, Orr, Ringo, Scott, Smith, Steele, Stroud, Taylor, Thompson and Williams—31.

So the motion to lay on the table was not agreed to.

On motion by Mr. Carnahan, the Senate took a recess until two o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled 2 o'clock.

Mr. Collett submitted the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled Bills report that they have this day presented to His Excellency, the Governor, for approval, House enrolled act No. 11—an act to amend section sixty of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and duties," etc.

Also House enrolled act No. 361—an act to repeal all laws now in force, establishing the times of holding Circuit Courts in the Second Judicial Circuit, to fix the times of holding said courts, etc.

On motion by Mr. Hubbard, engrossed House bill No. 138 was recommitted to the Committee on Corporations.

Mr. O'Brien presented a petition from various citizens of Tipton county and vicinity, asking the passage of the temperance bill now before the Legislature.

Which was referred to the Committee on Temperance.

Message from the House by Mr. Nixon, Clerk thereof :

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives

to inform the Senate that he has signed the following enrolled act, to-wit:

Enrolled act No. 62, Senate—an act to amend the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth sections of an act entitled “An act to incorporate the town of Bluffton,” etc.

And the same are herewith returned to the Senate.

Message from the House of Representatives by Mr. Nixon, Clerk thereof:

Engrossed House bill No. 316—a bill to authorize township trustees to levy additional tax to the amount now authorized by law, not exceeding twenty-five cents on each one hundred dollars worth of taxable property in any one year, for the purpose of paying, satisfying and liquidating debts made and contracted by such trustees, in the construction, repairing or completing of school houses and providing furniture and school apparatus therefor, and declaring an emergency; and the same is herewith submitted to the Senate for its action thereon.

Pending adjournment was the consideration of Senate bills No. 257 and 245.

Mr. Taylor moved to refer the bills to the Committee on Printing with instructions to report a bill providing that the public printing shall be let to the lowest responsible bidder.

Mr. O'Brien moved to amend by referring the bills to the Committee on printing without instructions.

Mr. Williams moved to lay the motion by Mr. O'Brien on the table.

Messrs. O'Brien and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Beggs, Bird, Boone, Bowman, Bunyan, Carnahan, Cave, Daugherty, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gregg, Hall, Hubbard, Miller, Neff, Orr, Scott, Stroud, Taylor, Thompson and Williams—26.

Those who voted in the negative were, Messrs. Armstrong, Collett, Dittmore, Dwiggins, Gooding, Harney, Haworth, Hough, Howard, O'Brien, Rhodes, Sarnighausen, Slater and Steele—14.

So the motion to lay on the table was agreed to.

The question recurring on the adoption of the motion by Mr. Taylor.

Mr. Dittmore moved that the motions by Messrs. Hall and Taylor be laid on the table.

Which was agreed to.

The question recurring on the adoption of the motion by Mr. Friedley of Lawrence.

Mr. Scott moved to amend by referring the bills to the Committee on Printing without instructions.

Mr. Williams moved that the minority report of the committee be concurred in.

Messrs. Williams and Hall demanded the ayes and noes.

Those who voted in the affirmative were, Armstrong, Beardsley, Beeson, Boone, Beggs, Bowman, Bunyan, Carnahan, Cave, Daugherty, Dwiggins, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Gregg, Hall, Harney, Hubbard, Miller, Neff, Oliver, Orr, Ringo, Scott, Stroud, Taylor, Thompson and Williams—31.

Those who voted in the negative were, Messrs. Bird, Collett, Dittmore, Haworth, Hough, Howard, O'Brian, Rhodes, Sarnighausen, Slater, Sleeth, Steele and Wadge—13.

So the minority report of the Committee was concurred in.

Mr. Steele offered the following amendment to be referred with the bill to the Committee on Printing.

Strike out all after the enacting clause and insert the following:

That there shall be elected biennially, counting from the month of January, 1873, by the General Assembly, a printing commis-

sion, who shall serve for two years next from and after his said election, enter into bond with sufficient surety, to the satisfaction of a board of public printing, consisting of the Governor, the Secretary, and Auditor of State, with condition for the prompt, accurate, and workmanlike execution of the public printing, and for the faithful performance of all the duties required of him by law, and shall take an oath of office to be endorsed upon said bond, which bond and oath shall be filed in the office of the Secretary of State.

SEC. 2. It shall be the duty of said State Printer to do all the public printing, binding, and stereotyping and engraving for all the officers and departments of the State government, including all such work as shall be done at the expense of the State, and said printer shall provide and furnish all materials for such work, and no document, or matter, shall be printed or bound, and no engraving or stereotyping shall be done at the expense of the State except the same shall have been authorized by the General Assembly, or such as is usual and necessary in the transaction of the public business, and shall be directed in writing by said board of public printing to be performed for public use, and before a warrant shall be issued by the Auditor for the payment of the expense of any such work, the authority for such work referred to in this section shall be first produced to him:

SEC. 3. Said State Printer shall be allowed for all work so performed by him, and all material furnished by him, the current price for such work and materials, such price to be ascertained and determined by said board of public printing from time to time as the accounts of said printer may be presented to such board for approval as hereinafter provided for, all accounts presented to the auditor by said printer for work done or materials furnished by said printer, shall be verified by said printer's affidavit, stating the separate items, the amount and character of work done, and materials furnished; and all accounts mentioned in this section shall be approved by said board of public printing.

SEC. 4. When the foregoing provisions of this act shall have been complied with, and not otherwise, such accounts of such printer for work done, and material furnished, shall be audited by the Auditor of State, who shall issue his warrant on the treasury to said printer for the amount therein shown to be due said printer, which amount shall be thereupon paid by the Treasurer of State out of any moneys in the treasury not otherwise appropriated.

SEC. 5. It is hereby made the duty of said printer to furnish to said board of public printing, quarterly, a specific statement verified by his affidavit, of all work done and materials furnished, and price allowed therefor, for the State by him, in accordance with the provisions of this act; and it is made the duty of said board of public printing to cause said report to be published once in two daily newspapers of general circulation in the city of Indianapolis, and to file said statement in the office of the Secretary of State for the inspection of the General Assembly, or a committee thereof.

SEC. 6. All laws, or parts of laws, coming in conflict with the provisions of this act, are hereby repealed.

SEC. 7. Whereas, in the opinion of this General Assembly, an emergency exists for the immediate taking effect of this act; therefore, this act shall be in force from and after its passage.

Mr. Dwiggins moved that the amendment offered by Mr. Steele be referred with the bill.

Mr. Dittemore moved to lay the motion by Mr. Dwiggins on the table.

Which was agreed to.

The question recurring on the motion of Mr. Scott to refer the bills to the Committee on Printing without instructions.

Which was agreed to.

The hour of 2:30 o'clock p. m. having arrived, being the hour fixed for the consideration of Senate bill No. 148, the same was taken up.

Mr. Dittemore moved that the bill be ordered engrossed.

Mr. Dwiggins moved that the bill be recommitted to the Committee on Corporations, with instructions to so amend the bill as to submit the question of removal to a vote of the legal voters of the county, instead of by petition, and perfect the bill in other respects.

Mr. Dittemore moved to lay the instructions on the table.

Messrs. Dittemore and Hall demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beeson, Beggs, Bird, Bowman, Carnahan, Cave, Daugherty, Dittemore, Fuller, Francisco, Glessner, Howard, Oliver, Ringo, Sarnighausen, Slater, Steele, Stroud, Thompson, Wadge and Williams—21.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Boone, Bunyan, Collett, Dwiggin, Friedley (of Scott), Friedley (of Lawrence), Hall, Harney, Haworth, Hough, Hubbard, Miller, Neff, O'Brien, Orr, Scott and Taylor—19.

So the motion to lay on the table was agreed to.

Mr. Hough moved to recommit the bill to the Special Committee with instructions to so amend the bill as to submit the question of relocation to the popular vote of taxpayers of the county, which vote, if two-thirds of the votes cast be in favor of the relocation, shall finally determine the question, and to make such further amendments as may be necessary.

Mr. Dittemore moved to lay the motion and instructions on the table.

Which was agreed to.

Mr. Hubbard moved to recommit the bill to the Committee on Corporations with instructions to amend by striking out sections one, two, three, four, five, six, seven, eight, nine, ten and eleven, and perfect section twelve so as to repeal all laws relating to the relocation of county seats.

Mr. Dittemore moved to lay the motion on the table.

Which was agreed to.

Mr. Dwiggin moved to indefinitely postpone the bill.

Mr. Dittemore moved to lay the motion on the table.

Messrs. Dittemore and Dwiggin demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Beggs, Bird, Boone, Bowman, Collett, Daugherty, Ditte-

more, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gregg, Howard, Hubbard, Miller, O'Brien, Oliver, Ringo, Sarnighausen, Scott, Slater, Steele, Stroud, Taylor, Thompson, Wadge and Williams—30.

Those who voted in the negative were, Messrs. Armstrong, Bunyan, Carnahan, Cave, Dwiggin, Hall, Harney, Haworth, Hough, Neff, Orr and Rhodes—12.

So the motion to lay on the table was agreed to, and on motion the bill was ordered engrossed.

Mr. Bunyan moved to dispense with the regular order of business and take up his resolution offered on yesterday, changing rules of the Senate.

Which was agreed to.

Mr. Hall moved to lay the resolution on the table.

Messrs. Neff and Bunyan demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Bird, Bowman, Cave, Collett, Daugherty, Dittemore, Fuller, Francisco, Gregg, Hall, Hough, O'Brien, Rhodes, Slater, Stroud and Thompson—16.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Boone, Bunyan, Carnahan, Dwiggin, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Harney, Haworth, Howard, Hubbard, Miller, Neff, Oliver, Orr, Ringo, Sarnighausen, Scott, Steele, Taylor, Wadge and Williams—27.

So the motion to lay on the table was not agreed to.

The question being on the adoption of the resolution,

Mr. Hall moved to amend by striking out "9 o'clock a. m.," and insert "9:30 o'clock a. m."

Messrs. Bunyan and Sarnighausen demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beggs, Bird,

Bowman, Collett, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Lawrence,) Glessner, Gregg, Hall, Hough, O'Brien, Orr; Rhodes, Scott, Slater, Steele, Stroud, Thompson and Williams—23.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bunyan, Carnahan, Cave, Friedley (of Scott,) Harney, Haworth, Howard, Hubbard, Miller, Neff, Oliver, Ringo, Sarnighausen, Taylor, and Wadge—19.

So the amendment was adopted.

The question then being on the resolution as amended,

It was adopted.

Mr. Steele moved to reconsider the vote on the passage of Senate bill No. 33.

Mr. Dittemore moved to lay the motion on the table.

Messrs. Dittemore and Steele demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beardsley, Carnahan, Cave, Collett, Daugherty, Dittemore, Dwiggin, Fuller, Glessner, Gooding, Hubbard, Oliver, Stroud and Williams—14.

Those who voted in the negative were, Messrs. Armstrong, Beeson, Beggs, Bird, Boone, Bowman, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Gregg, Hall, Harney, Haworth, Hough, Howard, Miller, Neff, O'Brien, Orr, Rhodes, Sarnighausen, Scott, Slater, Steele, Taylor and Thompson—26.

So the motion to lay on the table was not agreed to.

The question recurring on the motion to reconsider the vote on the passage of the bill,

Messrs. Steele and Hough demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Beggs, Bird, Boone, Bowman, Bunyan, Dwiggin, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien,

Oliver, Orr, Rhodes, Sarnighausen, Scott, Slater, Steele, Stroud and Taylor—30.

Those who voted in the negative were, Messrs. Carnahan, Cave, Collett, Daugherty, Dittemore, Fuller, Glessner, Gooding, Thompson and Williams—10.

So the motion to reconsider was agreed to.

Mr. Hubbard moved to refer the bill to the Committee on the Judiciary.

Which was agreed to.

Senate bill No. 192—an act to amend section five of an act entitled “An act to exempt property from sale in certain cases,” approved February 17, 1852.

Which was read a second time and ordered engrossed.

Senate bill No. 203—an act authorizing the appointment of resident trustees to receive and manage trust funds held in other States and belonging to persons residing in this States.

Which was read a second time and ordered engrossed.

Mr. Beeson moved to take up Senate bill No. 190.

Which was agreed to, and the bill read for information.

Mr. Dwiggins moved to indefinitely postpone the bill.

Mr. Bunyan demanded the previous question, which was seconded by the Senate.

The question being, shall the main question be now put?

Messrs. Beeson and Bunyan demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Bowman, Bunyan, Carnahan, Cave, Daugherty, Dwiggins, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Hough, Miller, Neff, O'Brien, Steele, Stroud, Taylor and Williams—18.

Those who voted in the negative were, Messrs. Armstrong,
S. J.—32

Beardsley, Beeson, Bird, Boone, Collett, Dittemore, Glessner, Gooding, Gregg, Hall, Harney, Haworth, Howard, Hubbard, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Thompson and Wadge—24.

So the main question was not ordered.

Mr. Armstrong moved to strike out the emergency clause.

Which was agreed to.

Mr. Steele moved to amend the bill, so as to refer to the counties of Wayne and Shelby only.

Mr. Glessner moved to lay the motion on the table.

Mr. Dwiggin moved to amend by making it a misdemeanor for dangerous animals to run at large.

Mr. Fuller moved to lay the whole subject on the table.

Messrs. Hubbard and Fuller demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Bowman, Bunnan, Carnahan, Cave, Daugherty, Dwiggin, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Hough, Miller, Neff, O'Brien, Steele, Stroud and Taylor—17.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Collett, Dittemore, Glessner, Gooding, Gregg, Hall, Harney, Haworth, Howard, Hubbard, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Thompson, Wadge and Williams—25.

So the motion to lay on the table did not prevail.

Mr. Hubbard moved to lay the amendment of Mr. Dwiggin on the table.

Messrs. Dwiggin and Hough demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Collett, Dittemore, Glessner, Gregg, Howard, Hubbard, Miller, Oliver, Ringo, Sarnig-

hausen, Scott, Slater, Stroud, Thompson, Wadge and Williams—22.

Those who voted in the negative were, Messrs. Bunyan, Carnahan, Cave, Daugherty, Dwiggin, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Gooding, Hall, Haworth, Hough Neff, O'Brien, Orr, Rhodes, Steele and Taylor—19.

So the motion to lay the amendment on the table was agreed to.

Mr. Hubbard demanded the previous question, which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill be engrossed?

Messrs. Steele and Neff demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Collett, Dittemore, Glessner, Gregg, Hall, Haworth, Howard, Hubbard, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Thompson and Wadge—23.

Those who voted in the negative were, Messrs. Bunyan, Carnahan, Cave, Daugherty, Dwiggin, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence,) Hough, Miller, Neff, O'Brien, Steele, Stroud, Taylor and Williams—17.

So the bill was ordered engrossed.

On motion by Mr. Wadge, Senate bill No. 193, was referred to the Committee on the Judiciary.

Senate bill No. 219—an act to provide for the construction and maintenance of fish ladders, and providing penalties for the violation of the same.

Which was read a second time.

Mr. Dwiggin moved to amend by striking out all in reference to the St. Joseph River.

Mr. Sarnighausen offered the following amendment: Add to the words "St. Joseph," the words "in the counties of Elkhart and St. Joseph."

Which was adopted, and the bill and amendments ordered engrossed.

The President laid before the Senate a communication from the Attorney General, on the question of State Librarian as follows:

J. C. Denny, Attorney General of the State of Indiana, submitted the following communication:

INDIANAPOLIS INDIANA,
February 12, 1873. }

HON. LEONIDAS SEXTON, *President of the Senate*:

SIR:—In answer to the Resolution of the Senate, a copy of which is hereto attached, I have the honor to state that my opinion is that we have no constitutional provision prohibiting "an unmarried female" from holding the office of State Librarian, it being an office created by the legislative enactment. We have what may be termed, political common law, fixed by memorial usage, which might prohibit a female from holding such office, this prohibition may be removed by legislative enactment. The bill now pending, being House bill No. 379, will legalize and make valid the election of Mrs. Sarah E. Oren.

Senate bill No. 202—a bill to amend sections 7 and 9 of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865.

Which was read a second time, amendment adopted, and ordered engrossed.

Senate bill No. 174—a bill defining certain misdemeanors and prescribing penalties therefor.

Which was read a second time and ordered engrossed.

Senate bill No. 185—a bill to authorize judges of circuit courts and courts of common pleas to grant injunctions in actions pending in counties adjoining such circuit or district when both judges of the circuit court and court of common pleas of such county are disqualified from hearing such motion, etc.

Which was read a second time and ordered engrossed.

Mr. Orr asked and obtained leave of absence until Friday next.

On motion by Mr. Dittemore, the Senate adjourned.

LEONIDAS SEXTON,
President of the Senate.

THURSDAY MORNING.

FEBRUARY 13, 1873, 10 O'CLOCK.

Senate met.

Prayer by the Rev. James Rudder, Representative from Washington county.

Pending the reading of the Journal of yesterday, on motion by Mr. Fuller, the further reading thereof was dispensed with.

Mr. Dittemore moved to take up bills on a third reading.

Which was agreed to.

Mr. Sarnighausen offered the following resolution :

Resolved, That the committees of the Senate be and are hereby requested to set out in their reports the reasons for their recommendation therein made.

Mr. Dittemore moved to lay the resolution on the table.

Which was agreed to.

Mr. Haworth presented claim of T. W. McCoy for \$3,200.

Which was referred to the Committee on Claims without reading.

Mr. Collett presented a petition from sundry voters of Montezuma, Parke county, Ind., asking passage of a law allowing incorporated towns to license the sale of intoxicating liquors.

Which was referred to the Committee on Temperance.

Mr. Collett presented a petition from voters of Parke county, Ind., asking the passage of a law arresting the growing evils of intemperance.

Which was referred to the Committee on Temperance.

BILLS ON A THIRD READING.

Senate bill No. 64—a bill for the collection and publication of statistics.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bunyan, Collett, Daugherty, Dwiggins, Fuller, Francisco, Glessner, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Steele, Taylor, Thompson, Wadge and Williams—28.

Those who voted in the negative were, Messrs. Bird, Boone, Bowman, Brown, Carnahan, Cave, Dittemore, Friedley (of Scott), Friedley (of Lawrence), Gooding, Gregg, O'Brien, Oliver, Slater, Smith and Stroud—16.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, to-wit:

Resolved by the House of Representatives (the Senate concurring,) That the Secretary of State and the chairman of the House and Senate Printing Committee be requested to procure the completion of the Agent of State's report, provided the same can be procured upon reasonable terms.

And the Senate is respectfully requested to concur therein.

Engrossed Senate bill No. 160—a bill to amend an act to incorporate the Lawrenceburgh Insurance Company, approved February 3, 1832.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Bowman, Brown, Carnahan, Cave, Collett, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Gregg, Hall, Haworth, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Scott, Slater, Smith, Stroud, Taylor, Thompson, Wadge and Williams—35.

Those who voted in the negative were, Messrs. Boone, Bunyan, Harney, Hough, Howard, O'Brien, Sleeth and Steele—8.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 56—a bill to amend sections twenty-two and fifty-seven of an act entitled "An act for the incorpora-

tion of towns, defining their powers, providing for the election of the officers thereof and declaring their duties," approved June 11, 1852.

Which section was amended and approved March 2, 1855, and declaring an emergency, was taken up.

Mr. Dwiggins moved that the bill do lie on the table.

Which was agreed to.

Engrossed Senate bill No. 162—a bill to repeal an act repealing section thirty-one of an act entitled "An act concerning real property, and the alienation thereof," approved May 6, 1869, and to authorize the record of deeds or transcripts thereof, to be read in evidence in courts of justice in this State.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Gregg, Hall, Harrey, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge and Williams—40.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 98—a bill to prevent carrying concealed or dangerous weapons and to provide punishment therefor

Which was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Collett, Dittmore, Dwiggin, Fuller, Francisco, Friedley (of Scott,) Glessner, Gooding, Gregg, Hall, Harney, Harworth, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson and Williams—36.

Those who voted in the negative were, Messrs. Friedley (of Lawrence,) Hough, Howard, O'Brien, Sleeth and Wadge—6.

So the bill passed.

The question being, shall the title as read stand as the title of the bill ?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled bills have had Senate bill No. 22, entitled, "An act to authorize the county commissioners of the several counties of this State to appropriate money to aid in putting or keeping in repair any canal, etc., under consideration, and find the same correctly enrolled.

Engrossed Senate bill No. 116—a bill to amend sections 95, 96, and 97, of an act entitled "An act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlements," approved June 17, 1852, and legalizing certain sales of real estate heretofore made by foreign administrators, and declaring an emergency.

The question being, shall the bill pass ?

Those who voted in the affirmative were, Messrs. Armstrong

Beardsley, Beeson, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Collett, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence,) Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Steele, Stroud, Taylor, Thompson, Wadge and Williams—42

Mr. Smith voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled bills report that they have this, the 13th day of February, 1873, presented to the Governor for approval Senate bill No. 62, entitled, "An act to amend sections one to thirteen inclusive of an act entitled an act to incorporate the town of Bluffton," etc.

Engrossed Senate bill No. 105—a bill to authorize the Courts of Common Pleas to determine who heirs, legatees or distributees of a decedent are, and to order partial distribution of his estate among his heirs, distributees or legatees prior to the settlement of his estate, and declaring an emergency.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Collett, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding,

Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge and Williams—42.

Mr. Slater voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 94—a bill concerning the application of certain fines, penalties and forfeitures, collected in the enforcement of certain city ordinances in cities having therein incorporated homes for friendless women.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Collett, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge and Williams—43.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 49—a bill to amend section No. 22 of an act entitled, "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852, and declaring an emergency.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Collett, Daugherty, Dwiggins, Fuller, Francisco, Friedley (of Scott), Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Hubbard, Miller, Neff, O'Brien, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Steele, Stroud, Taylor, Thompson and Williams—37.

Those who voted in the negative were, Messrs. Cave, Dittemore, Slater, Smith and Wadge—5.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Mr. Dwiggins moved to amend the title so as to read sections twenty-two and fifty-seven.

Which was agreed to.

The question then being, shall the title as amended stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 127—a bill in relation to collection of promissory notes and contracts given for patent right or territory for a patent right, authorizing the collection of judgments taken by default in certain cases to be enjoyed, enlarging the defense to such notes and contracts, when payable in bank, providing when such suits shall be commenced, and declaring an emergency.

The question being, shall the bill pass ?

Mr. Brown moved that the bill be referred to the Committee on the Judiciary, with instructions to strike out the second section.

Mr. O'Brien asked and obtained leave of absence until Monday next, at 2 o'clock p. m.

The President of the Senate announced that he had signed enrolled act of the House No. 361, entitled "A bill to repeal all laws now in force establishing the times of holding Circuit Courts in the Second Judicial Circuit, to fix the time of holding said courts, requiring all persons to take notice thereof, and providing for the return of process thereto."

Also, enrolled act of the House No. 71—a bill to amend section sixty of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.

Also, enrolled Senate bill No. 62—a bill to amend the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth sections of an act entitled "An act to incorporate the town of Bluffton," approved February 12, 1851. Also, to repeal section eleven of said act.

On motion by Mr. Steele the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled, 2 o'clock p. m.

Pending the adjournment was the consideration of Senate bill No. 127, the question being on the motion by Mr. Brown to refer the bill to the Committee on the Judiciary, with instructions.

Mr. Dwiggin moved to amend the motion by adding that "the committee perfect the bill."

Mr. Dittemore moved to lay the motion to recommit on the table.

Messrs. Dittemore and Rhodes demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Boone, Bowman, Bunyan, Carnahan, Cave, Dittemore, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Harney, Haworth, Howard, Miller, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Slater, Smith, Steele, Stroud, Taylor, Thompson, Wadge and Williams—32.

Those who voted in the negative were, Messrs. Beardsley, Bird, Brown, Collett, Daugherty, Dwiggin, Friedley (of Scott), Hough, Hubbard, Scott and Sleeth—11.

So the motion to recommit was laid on the table.

By unanimous consent Mr. Hough offered the following amendment:

Amend by inserting before the word "shall," in the fifth line of the first section the following words: "Or taken in the course of or under the pretense of establishing an agency for the sale of any agricultural or other implement."

Which was adopted.

Mr. Slater demanded the previous question, which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Dittemore, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Miller, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson and Williams—35.

Those who voted in the negative were, Messrs. Beardsley, Collett, Daugherty, Dwiggins, Hubbard, Scott and Wadge—7.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Mr. Hough offered the following amendment:

Amend the title by inserting after the word "right," in the fourth line, the following words, "or taken in the course of or under the pretense of establishing an agency for the sale of any agricultural or other implement."

Which was adopted.

The question then being, shall the title as amended stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill?

By unanimous consent, Mr. Brown introduced Senate bill No. 309—a bill declaratory of the true intent and meaning of an act approved January 30, 1873, and entitled "An act supplemental to an act to authorize aid to the construction of railroads by counties and townships taking stock in, and making donations to railroad companies," approved May 12, 1869.

Which was read a first time and referred to Committee on Railroads.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The joint committee of three, on the part of the Senate, and three on the part of the House of Representatives, to whom was referred the subject of the Vienna Exposition, and the petition of the State Board of Agriculture relating thereto, have had the same under consideration, and direct me to report the accompanying act, embodying the views set forth in the petition, and recommend its passage.

Senate bill No. 310—a bill to provide for the collection of agricultural, mineral and mechanical productions of Indiana, and their display at the Vienna Exposition, for the appointment of a commissioner, and providing for expenses connected therewith.

Which was read a first time, and referred to the Committee on Agriculture.

Mr. Neff moved to suspend the order of business, and take up House bill No. 327.

Messrs. Slater and Gregg demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bunyan, Daugherty, Dwiggin, Friedley (of Scott), Hall, Haworth, Hough, Howard, Hubbard, Miller, Neff, Rhodes, Ringo, Scott, Steele and Taylor—18.

Those who voted in the negative were, Messrs. Bird, Boone, Bowman, Carnahan, Cave, Dittemore, Fuller, Francisco, Friedley (of Lawrence), Gooding, Gregg, Harney, Oliver, Sarnighausen, Slater, Sleeth, Smith, Stroud, Thompson, Wadge and Williams—21.

So the motion to suspend the order of business did not prevail.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following Joint Resolution, to-wit:

House Joint Resolution No. 19—a joint resolution instructing our Senators and requesting our Representatives in Congress to restore certain soldiers therein mentioned to their original positions on the rolls of the army.

And the same is herewith submitted to the Senate for its action thereon.

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled act, to-wit:

Enrolled act No. 23, Senate—an act to authorize the county commissioners of the several counties of this State to appropriate money to aid in putting or keeping in repair any canal running in and through or along any such county. And the same is herewith returned to the Senate for the signature of the President thereof.

Engrossed Senate bill No. 155—a bill to provide for the reimbursement to certain counties therein named of certain taxes illegally assessed and collected for the year 1869, and paid into the State Treasury, and declaring an emergency.

The question being, shall the bill pass ?

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Collett, Daugherty, Dittemore, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Smith, Steele, Stroud, Taylor, Wadge and Williams—38.

Messrs. Bird, Dwiggins and Slater voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill ?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 157—a bill authorizing the purchase of stationery for the use of the county officers of this State and the circuit, common pleas, superior and criminal courts, providing penalties for its violation, repealing all laws in conflict with this act and declaring an emergency.

Which was read a third time.

Mr. Dwiggins moved that the bill be recommitted to the Committee on Fees and Salaries, with the following amendment. Amend section six by adding thereto, the following:

S. J.—33

“And it shall be the duty of the county commissioners to cause a condensed statement of the amount, kind, and cost of stationery, purchased for the use of the county and county officers to be published quarterly in a newspaper published in the county.”

Which was agreed to.

Engrossed Senate bill No. 13—a bill requiring railroad companies, organized under any law of the State of Indiana, to keep their principal office of business within the State, and to have a majority of Directors resident within the State of Indiana, and along the line of railroad.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Bird, Bowman, Carnahan, Cave, Daugherty, Fuller, Francisco, Friedley (of Lawrence,) Glessner, Gregg, Neff, Ringo, Sarnighausen, Slater, Smith, Stroud, Thompson and Williams—19.

Those who voted in the negative were, Messrs. Beardley, Beeson, Boone, Brown, Collett, Dwiggin, Friedley (of Scott,) Gooding, Hall, Haworth, Hough, Howard, Hubbard, Miller, Rhodes Scott, Steele and Taylor—18.

So the bill failed to pass for want of a constitutional majority.

Engrossed Senate bill No. 170—a bill making an appropriation to Purdue University, and declaring an emergency.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Boone, Brown, Carnahan, Collett, Daugherty, Dwiggin, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Howard, Hubbard, Harney, Miller, Rhodes, Ringo, Sarnighausen, Scott, Smith, Steele, Taylor, Thompson, Williams and Wadge—28.

Those who voted in the negative were, Messrs. Bowman, Cave,

Dittemore, Fuller, Gregg, Hall, Haworth, Hough, Neff, Slater and Stroud—11.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Daugherty submitted a petition from various citizens, asking the passage of House bill No. 327, relating to the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Steele submitted a petition from sundry citizens of the State of Indiana, respecting the sale of intoxicating liquors.

Which was referred to the Committee on Temperance.

Mr. Cave presented a petition from the voters of the county of Pike, State of Indiana, in relation to the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Cave presented a petition from the ladies of Pike county, relative to the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Beardsley presented a petition from sundry citizens of Elkhart county on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Sarnighausen presented a petition from various citizens relative to the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Friedley, of Lawrence, presented a petition from the citizens of Lawrence county, respecting the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Glessner presented a petition from sundry citizens of Shelby county, on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Boone presented a petition from sundry citizens of Boone county on the subject of temperance.

Which was referred to the Committee on Temperance.

Mr. Beeson moved to take up engrossed House bill No. 327 and read the same a first time.

Which was agreed to.

Engrossed House bill No. 327—a bill to regulate the sale of intoxicating liquors, to provide against evils resulting from any sale thereof, to punish venders for damages suffered by any person in consequence of such sale, prescribing penalties, to repeal all laws conflicting with the provisions of this act, and declaring an emergency.

Which was read a first time.

Mr. Dwiggin moved to refer the bill to the Committee on Temperance.

Mr. Brown moved to amend by referring the bill to a select committee of one from each Congressional District.

Mr. Steele moved to lay the motion of Mr. Brown on the table.

Messrs. Steele and Gregg demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bunyan, Daugherty, Dwiggin, Friedley (of Scott,) Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Scott, Sleeth, Steele and Taylor—23.

Those who voted in the negative were, Messrs. Bird, Bowman, Brown, Carnahan, Cave, Collett, Dittemore, Fuller, Francisco, Friedley (of Lawrence,) Glessner, Gooding, Gregg, Sarnighausen, Slater, Smith, Stroud, Thompson, Wadge and Williams—20.

So the motion to lay on the table was agreed to.

The question recurring on the motion to refer the bill to the Committee on Temperance.

Which was agreed to.

Mr. Stroud asked and obtained leave of absence indefinitely.

Mr. Wadge presented a petition on the subject of Temperance.

Which was referred to the Committee on Temperance

Mr. Taylor presented a petition from various citizens of Tippecanoe county relative to the subject of temperance.

On motion by Mr. Scott Engrossed House bill No. 56 and Senate bill No. 153, were made a special order for 10.30 o'clock a. m. to-morrow.

Mr. Scott moved to suspend the order of business, and read bills a second time by title.

Which was agreed to.

Senate bill No. 291—a bill to amend the forty-seventh section of an act defining felonies and prescribing punishment therefor, approved June 10, 1852.

Which was read a second time by title and referred to the Committee on the Judiciary.

Senate bill No. 282—an act to amend an act entitled "An act providing for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1852.

Which was read a second time by title and referred to the Committee on Rights and Privileges.

Senate bill No. 283—an act to amend an act entitled "An act

authorizing county agricultural societies to purchase and hold real estate, approved February 7, 1855, and to authorize such societies to issue capital stock, and an amendatory act thereof," approved March 11, 1861, on same subject.

Which was read a second time by title and referred to the Committee on Agriculture.

Senate bill No. 279—a bill to regulate the stopping of passenger trains in incorporated cities.

Which was read a second time by title, and referred to the Committee on Rights and Privileges.

Senate bill No. 298—an act to amend section one hundred and eighty-six of an act entitled "An act to revise, simplify and abridge, the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a second time by title and referred to the Committee on the Judiciary.

Senate bill No. 300—a bill for an act authorizing the boards of county commissioners of any county to make an allowance of money for the benefit of organized draining companies, their officers or sureties, and prescribing under what circumstances such allowances may be made, and declaring an emergency.

Which was read a second time and referred to the Committee on Rights and Privileges.

Senate bill No. 275—a bill granting the consent of the State of Indiana to the purchase by the United States of lands for the purpose of the erection of a custom house, post office buildings, and United States court houses, ceding jurisdiction over the same to the United States, and exempting the same, together with the property thereon belonging thereto, from taxation, and providing for the condemnation of land for said purposes.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 274—an act to amend the act of February 20, 1867, relating to the capital stock of county agricultural, mechanical and horticultural societies of Indiana, and authorizing such societies to increase and fix the same.

Which was read a second time by title, and referred to the Committee on Agriculture.

Senate bill No. 276—an act repealing section forty-seven of an act entitled “An act defining felonies and prescribing punishment therefor,” approved June 10, 1852.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 277—an act to extend the jurisdiction of the Judges of the Criminal Circuit Courts of this State.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 297—an act making it unlawful for any person owning or having in their possession, care, management or control, of any saloon, restaurant, room, or other place in which intoxicating liquors are kept for sale, to allow, permit, or suffer any person or persons under the age of twenty-one years, to come into or to stay, loaf, or congregate in or about such saloon, restaurant room, or other place, where such liquors are so kept, and fixing the penalty for violating this act.

Which was read a second time by title, and referred to the Committee on Rights and Privileges.

Senate bill No. 286—a bill to provide for liens on buildings and to provide for the enforcement of the same.

Which was read a second time by title and referred to the Committee on the Judiciary.

Senate bill No. 288—a bill relating to interest.

Which was read a second time by title and referred to the Committee on Finance.

Senate bill No. 289—an act to fix the salaries of the Judges of the Supreme Court of this State, and to provide for the time and manner of payment, and declaring an emergency for the immediate taking effect of this act.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Senate bill No. 292—a bill regulating the fees of officers and providing penalties for its violation, repealing certain acts therein named and declaring an emergency.

Which was read a second time by title.

Senate bill No. 311, introduced by Mr. Collett—a bill for an act to amend the charter of the town of Clinton, granting to the board of trustees of said town certain powers, and legalizing certain acts of said president and trustees of said town.

Which was read a first time and referred to the Committee on Corporations.

Mr. Dwiggins moved to suspend the order of business for purpose of introduction of bills.

Which was agreed to.

Senate bill No. 312, introduced by Mr. Bird—a bill to fix the salary of the Governor's Private Secretary.

Which was read a first time and referred to the Committee on the Judiciary.

Senate bill No. 313, introduced by Mr. Dwiggins—a bill to amend section 195 of an act entitled "An act to provide for a uniform assessment of property, and collection and return of taxes thereon."

Which was read a first time and referred to the Committee on Printing.

Senate bill No. 314, introduced by Mr. Gooding—a bill to fix the number of jurors necessary to find a verdict in civil causes.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Smith moved to suspend the order of business, and receive reports from standing committees.

Which was agreed to.

Mr. Harney submitted the following report:

MR. PRESIDENT:

The Committee on Finance, to whom was referred Senate bill No. 249—a bill supplemental to to an act entitled, "An act to provide for a uniform assessment and collection of taxes," approved December 12, 1872—have had the same under consideration, and report back, with a recommendation that it be indefinitely postponed.

Which was concurred in.

Mr. Williams submitted the following report:

MR. PRESIDENT:

The Committee on Finance, to whom was referred Senate bill No. 294—an act to amend an act entitled, "An act to provide for a uniform assessment of property and for the collection and return of taxes thereon," approved December 21, 1872—have had the same under consideration, and report back with a recommendation that the bill do pass, with five per cent. on passengers and one per cent. on freights, provided for in section six.

Which was concurred in.

Mr. Steele submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 301—a bill for the incorporation of companies formed for the purpose of constructing bridges for railway or common roadway purposes, or both, over rivers forming the boundaries of the State of Indiana, or part thereof—have had the same under considera-

tion, and have instructed me to report the same back, with the recommendation that the bill do pass.

Which was concurred in.

Mr. Rhodes moved to reconsider the vote on concurring in the report, and to lay the report on the table.

Which was agreed to.

Mr. Steele submitted the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Sente bill No. 302—an act to make general indexes of deeds and mortgages in certain cases, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that it lie on the table.

Which was concurred in.

Mr. Gregg submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 239, entitled, "An act authorizing incorporated cities containing a population of thirty thousand to make loans, and prescribing rules and regulations concerning the borrowing of money by such cities," report that they have had the same under consideration, and recommend that the following amendments be made in said bill :

Strike out the word "forty," in the fourth line of section one, and insert in lieu thereof the word "fifteen," and with said amendment the committee recommend that said bill do pass.

Mr. Slater moved to amend by saying "all cities."

Which was not agreed to.

Mr. Slater moved to indefinitely postpone the report and the bill.

Which was not agreed to.

The question recurring on concurring in the report,

It was concurred in.

Mr. Gooding submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 42, entitled, "A bill to repeal section fifteen of an act entitled an act concerning promissory notes, bills of exchange, bonds, or other instruments in writing, signed by any person who promises to pay money, or acknowledges money to be due, or for the delivery of any specific article, or to convey property, or to perform any stipulation therein mentioned, and repealing all laws coming in conflict therewith," approved March 11, 1861. Also, to repeal an act entitled, "An act providing for the redemption of real property or any interest therein, sold on execution or order of sale, and providing for the issue of certificates in such cases, and for the execution of conveyances, and repealing all laws in conflict therewith," approved June 4, 1861—have had the same under consideration, and report it back to the Senate, and recommend that it be laid on the table.

Which was concurred in.

Mr. Boone submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred Senate bill No. 295—a bill to amend an act entitled "An act to enable counties bordering on the State lines or rivers forming State line boundaries, and townships and cities therein, to aid in the construction of railroads opposite such counties in other States to run to such counties or to the State line," etc., have had the same under consideration, and instructed me to report the same back with a recommendation that the same do pass.

Which was concurred in.

Mr. Boone submitted the following report :

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 303—a bill defining certain felonies and prescribing penalties, have had the same under consideration, and have directed me to report the same back with the accompanying amendments, and when so amended do recommend its passage. Amend the bill by striking out all after the enacting clause, and insert in lieu thereof the following:

SECTION 1. That any person who shall threaten another in any anonymous or other communication, written or printed, or who shall orally threaten another with exposure of any alleged crime or act which, if true, would subject the party threatened to prosecution, discredit or public scandal, or who shall by duress, force and arms, or otherwise, put any other person in fear of great bodily harm, with the purpose and intent wrongfully to extort money or other article of value from such person so put in fear, without any right whatever, and shall fail to procure such money or other article of value, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not exceeding one thousand dollars, and imprisoned in the county jail any period of time not exceeding one year.

SEC. 2. Any person who shall threaten another by anonymous or other communication, written or printed, or who shall orally threaten another with exposure of any alleged crime or act, which, if true, would subject the party threatened to prosecution, discredit or public scandal, who shall by duress, force and arms, or otherwise, put any other person in fear of great bodily harm, with the purpose and intent wrongfully to extort any money or other article of value from such person so threatened or put in fear, and shall actually procure any money or other article of value by such threat or threats, duress, force, force and arms, or fear produced thereby, shall be deemed guilty of a felony, and upon conviction, shall be fined in any sum not exceeding one thousand dollars, and imprisoned in the State prison for any period not less than two nor more than fourteen years.

Which was concurred in.

Mr. Armstrong submitted the following report:

Mr. PRESIDENT:

The Committee on Education, to whom was referred Senate bill No. 284—entitled “ A bill authorizing county treasurers to purchase Nowland’s Reminiscences for public libraries, have had the same under consideration, and direct me to report the same back to the Senate with the recommendation that the same do lie on the table.

Which was concurred in.

Mr. Fuller moved to recommit the bill to the Committee on Banks.

Mr. Taylor moved to amend by referring the bill to the Committee on Finance.

Mr. Neff moved to lay the motion by Mr. Taylor on the table.

Which was not agreed to.

Mr Slater moved to adjourn.

Which was not agreed to.

Mr. Glessner moved to suspend the order of business for the introduction of bills.

Which was agreed to.

Mr. Glessner introduced Senate bill No. 315—a bill providing for the issue and sale of bonds to raise money by the civil townships of this State, for the purpose of paying any debt incurred in purchasing or erecting any school building, or in the purchase of any ground whereon to erect any school building, or for the purpose of hereafter purchasing any ground or building for school purposes, or for erecting any school building, and authorizing the levy and collection of an additional special school tax for the payment of principal and interest of such bonds.

Which was referred to the Committee on Education.

Mr. Brown introduced Senate bill No. 316—an act to extend the time for the completion of certain railroads, and to legalize the acts of their boards of directors.

Which was read a first time, and referred to the Committee on Railroads.

Mr. Hall submitted the following report :

MR. PRESIDENT :

The Committee on Engrossed Bills have carefully compared engrossed Senate bill No. 189, entitled "A bill to amend section 648 of the practice act," approved June 18, 1852, and report the same correctly engrossed, and recommend that the words "for an act" be struck out of first line.

Mr. Hall submitted the following report :

MR. PRESIDENT :

Your Committee on Engrossed Bills respectfully report that they have carefully compared engrossed Senate bill No. 61, and the same is correctly engrossed.

On motion by Mr. Harney, Senate bill No. 180 was referred to the Committee on Roads.

Mr. Boone introduced Senate bill No. 317—an act to amend an act entitled "An act to enable railroads to alter their lines in certain cases," approved December 20, 1865.

Which was read a first time, and referred to the Committee on Railroads.

Mr. Hall moved to adjourn until to-morrow morning at ten o'clock.

Mr. Steele moved to amend by saying 9:30 o'clock a. m.

Mr. Hubbard moved to adjourn.

Which was agreed to.

GEO. W. FRIEDLEY,
President of the Senate.

FRIDAY MORNING.

FEBRUARY 14, 1873, 9.30 o'clock.

Senate met.

Pending the reading of the journal of yesterday,

On motion by Mr. Gregg, the further reading thereof, was dispensed with.

Mr. Dittermore moved to take up Senate bills on a second reading.

Which was agreed to.

Mr. Williams moved to refer Senate bill No. 233 to the Committee on the Judiciary.

Which was agreed to.

On motion by Mr. Carnahan, Senate bill No. 285, was referred to the Committee on the Judiciary.

Mr. Carnahan offered the following amendment, to-wit:

That section three be amended to read as follows:

SECTION 3. That 60 pounds of wheat, (avoirdupois) shall be given and taken for a standard bushel, of shelled corn 56 pounds, of corn on the cob 68 pounds, of buck wheat 50 pounds, of beans 60 pounds, of potatoes 60 pounds, of clover seed 60 pounds, hemp seed 44 pounds, blue grass seed 14 pounds, castor beans 46 pounds, dried peaches 33 pounds, dried apples 25 pounds, green apples 45 pounds, onions 48 pounds, salt 50 pounds, mineral coal 70 pounds, timothy seed 45 pounds, rye 56 pounds, oats 32 pounds, flax seed 56 pounds, barley 48 pounds, corn meal 50 pounds, and 2,000 pounds of hay shall be taken for a ton.

Which was adopted.

By unanimous consent Mr. Beardsley introduced Senate bill No.

318—a bill to make further provision for the care and treatment of the insane.

Which was read a first time and referred to the Committee on Benevolent Institutions.

On motion by Mr. Beeson Senate bill No. 209 was referred to the Committee on Roads.

On motion by Mr. Boone, Engrossed House bill No. 114 was referred to the Committee on the Judiciary.

Senate bill No. 218—a bill to encourage the destruction of foxes.

Which was read a second time and ordered engrossed.

Senate bill No. 188—an act to enable and empower executors and administrators of the estates of deceased persons to enforce partition of the real estate of such decedents in certain cases, and declaring an emergency.

Which was read a second time and ordered engrossed for a third reading on to-morrow.

Senate bill No. 173—an act to authorize school trustees of incorporated towns and cities to sell certain school property within their limits and providing for the disposition of the proceeds.

Which was read a second time and ordered engrossed.

Senate bill No. 204—a bill to amend the fifteenth section of an act entitled "An act prescribing the manner of compelling officers to give new bond and additional sureties," approved May 31, 1852.

Which was read a second time.

Mr. Daggy offered the following amendment :

Amend by adding section, "An emergency existing for the immediate taking effect of this act, the same shall be in force from and after its passage."

Which was adopted and the bill ordered engrossed.

Senate bill No. 213—a bill to amend section sixteen of an act

entitled "An act concerning real property and the alienation thereof," approved May 6, 1852.

Which was read a second time and ordered engrossed for a third reading to-morrow.

Senate bill No. 214—a bill to authorize satisfaction of mortgages in certain cases.

Which was read a second time and ordered engrossed.

Senate bill No. 223—a bill to legalize certain acts of notaries public.

Which was read a second time, and ordered engrossed.

Engrossed House bill No. 114—a bill to amend the first section of an act to authorize any person desiring to erect a flouring mill, or other machinery to be propelled by water on his own land, to make a raceway below such mill or machinery through land belonging to other persons, and to regulate the assessment and payment of damages thereof," approved March 1, 1853.

Which was taken up, and recommitted to the Committee on the Judiciary.

Senate bill No. 156—an act to authorize cities constructing water works to issue bonds, to dispose of the same in aid of the construction of such water works.

Which was read a second time, and ordered engrossed.

Mr. Gooding presented a petition from sundry citizens of Vanderburgh county, in relation to the construction of bridges across the Ohio river.

Which was ordered to be placed on file with Senate bill No. 301.

Mr. Steele presented a petition from citizens of Vanderburgh county, in relation to the construction of bridges across the Ohio river.

Which was ordered to be placed on file with Senate bill No. 301.

Mr. Rhodes submitted the following report:

S. J.—34

MR. PRESIDENT :

The Committee on Fees and Salaries, to whom was referred Senate bill No. 157, entitled, "An act authorizing the purchase of stationery, for the use of county officers," etc., with certain instructions, report the same back and recommend that said bill be amended by adding the following section, to-wit:

SEC. 7. It shall be the duty of the board of county commissioners to cause a condensed statement to be prepared of the amount, kind, and cost of stationery purchased for the use of the county and county officers, and cause the same to be published quarterly, in a newspaper published in the county.

That section seven be numbered eight, and section eight numbered nine, and that the bill do pass.

Which was concurred in.

Engrossed Senate bill No. 157—a bill authorizing the purchase of stationery for the use of the county officers of this State, and the Circuit, Common Pleas, Superior and Criminal Courts, providing penalties for its violation, repealing all laws in conflict with this act, and declaring an emergency.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bunyan, Carnahan, Cave, Collett, Daggy, Daugherty, Dwiggin, Francisco, Friedley (of Scott,) Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Miller, Neff, Rhodes, Ringo, Sarnighausen, Scott, Taylor and Williams—27.

Those who voted in the negative were, Messrs. Bird, Boone, Bowman, Brown, Dittemore, Fuller, Friedley (of Lawrence,) Howard, Oliver, Smith, Steele, Thompson, Wade and Winterbotham—14.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

SPECIAL ORDER.

The hour of 10:30 o'clock a.m. having arrived, being the hour fixed for the consideration of engrossed House bill No. 56, and engrossed Senate bill No. 153, the same was taken up.

Engrossed House bill No. 56—a bill authorizing the appropriation of money out of the State treasury for the use of Indiana University, located a Bloomington, Monroe county.

Which was read a second time.

Mr. Daggy moved to amend by striking out the preamble.

Which was agreed to.

Mr. Hough offered the following amendment: Amend by striking out of the first section the words "additional to the amount appropriated therefor," by the act mentioned in the preamble of this act; and amend further by adding the following section:

SEC. —. All laws inconsistent with this act are hereby repealed.

Mr. Smith offered the following amendment to the amendment: Amend by striking out 15,000, and insert 5,000.

Mr. Cave moved to lay the amendments on the table.

Mr. Hough demanded a division of the question.

The question first being on laying the amendments to the amendment on the table.

Which was agreed to.

The question then being on laying the amendment by Mr. Hough on the table.

Messrs. Brown and Gregg demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Bowman, Brown Bunyan, Cave, Dwiggin, Fuller,

Francisco, Friedly (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Hall, Oliver, Rhodes, Ringo, Scott, Slater, Steele, Taylor, Thompson, Wadge and Winterbotham—25.

Those who voted in the negative were, Messrs. Beardsley, Boone, Carnahan, Collett, Daggy, Daugherty, Gregg, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Sarnighausen, Sleeth, Smith and Williams—18.

So the motion to lay on the table was agreed to.

Mr. Scott moved to reconsider the vote on striking out preamble of the bill.

Which was agreed to.

The question recurring on the motion to strike out the preamble.

Mr. Brown moved to lay the motion on the table.

Which was agreed to.

Engrossed Senate bill No. 153—an act to amend an act entitled “An act to create a State Normal School,” etc., approved December 20, 1865, and adding supplemental sections thereto, and providing for certain appropriations.

Which was read a second time.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills report that they have this day presented to his Excellency, the Governor, for approval, Senate bill No. 23—an act to authorize the County Commissioners of the several counties in the State to appropriate money to aid in putting or keeping in repair any canal running in, through or along any such county.

Message from the House by Mr. Nixon Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following bills, to-wit:

Engrossed House bill No. 411—a bill to amend section forty-four of an act entitled, “An act to provide for a general system of common schools,” etc.

Engrossed House bill No. 68—a bill to amend the seventh clause of section twenty-two of an act entitled, “An act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties,” approved June 11, 1852.

Engrossed House bill No. 89—a bill to amend an act entitled, “An act to provide for a general system of common schools, the officers thereof,” etc.

Engrossed House bill No. 226—a bill to amend the 453d section of an act entitled “An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State,” etc.

Engrossed House bill No. 377—a bill declaratory of the law of this State as to the eligibility of women to certain offices therein mentioned.

Engrossed House bill No. 384—a bill to repeal section 224 of an act entitled, “An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, etc.

Engrossed House bill No. 404—a bill authorizing cemetery companies to own, purchase or construct horse railways, or to hold and own stock in horse railway companies.

Engrossed House bill No. 434—a bill supplemental to an act entitled “An act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain.”

Engrossed House bill No. 444—a bill relating to the sale and conveyance of the property heretofore owned and occupied as a county jail, county seat and court house of Perry county, situated at the town of Rome in said Perry county, State of Indiana—and the same is herewith submitted to the Senate for its action thereon.

Engrossed Senate bill No. 29—a bill to provide for the enlargement of the State House grounds—and the same is herewith returned to the Senate.

On motion by Mr. Brown, the Senate took a recess until two o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled, 2 o'clock p. m.

Mr. Wadge moved that the Committee on Prisons have leave of absence for Saturday.

Messrs. Steele and Brown demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beggs, Bowman, Brown, Bunyan, Cave, Collett, Friedley, (of Lawrence), Glessner, Gregg, Hall, Harney, Haworth, Howard, Hubbard, Ringo, Scott, Slater, Sleeth, Taylor, Wadge, Williams and Winterbotham—24.

Those who voted in the negative were, Messrs. Bird, Boone, Carnahan, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Gooding, Hough, Miller, Neff, Rhodes, Sarnighausen, Steele and Thompson—16.

So the Committee were granted leave of absence.

The question pending at adjournment was the motion to reconsider the vote striking out the preamble to House bill No. 56.

Mr. Collett demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being on the motion to reconsider the vote striking out the preamble.

Messrs. Dittermore and Hough demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Boone, Bowman, Brown, Bunyan, Cave, Collett, Daugherty, Dwiggin, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Hall, Hubbard, Oliver, Rhodes, Ringo, Scott, Sleeth, Steele, Taylor, Thompson, Wadge and Winterbotham—30.

Those who voted in the negative were, Messrs. Bird, Carnahan, Daggy, Dittermore, Gregg, Harney, Haworth, Hough, Howard, Miller, Neff, Sarnighausen, Slater, Smith and Williams—15.

So the motion to reconsider was agreed to.

The question recurring on the motion to strike out the preamble.

Mr. Brown moved to lay the motion on the table.

Which was agreed to.

Mr. Hough offered the following amendment:

Amend section one by striking out the word "fifteen," before the word thousand and inserting in lieu thereof the word "ten."

Mr. Taylor moved to lay the amendment on the table.

Messrs. Brown and Taylor demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Beggs, Bird, Boone, Bowman, Brown, Cave, Daugherty, Dwiggin, Fuller, Francisco, Friedley (of Lawrence,) Glessner, Gooding, Hubbard, Oliver, Rhodes, Ringo, Scott, Steele, Taylor, Thompson, Wadge and Winterbotham—25.

Those who voted in the negative were, Messrs. Beardsley, Bunyan, Carnahan, Collett, Daggy, Dittermore, Gregg, Harney, Haworth, Hough, Howard, Miller, Neff, Sarnighausen, Slater, Sleeth, Smith and Williams—18.

So the motion to lay on the table was agreed to.

Mr. Williams offered the following amendment.

Recommit to the Committee on Education with instruction to report a bill charging an annual tuition fee of not less than twenty dollars nor more than fifty dollars for each student attending said college.

Mr. Brown moved to lay the amendment on the table.

Messrs. Williams and Brown demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Beggs, Boone, Bowman, Brown, Cave, Daggy, Daugherty, Dwiggin, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gooding, Hubbard, Oliver, Rhodes, Ringo, Scott, Slater, Steele, Taylor, Wadge and Winterbotham—25.

Those who voted in the negative were, Messrs. Beardsley, Bird, Bunyan, Carnahan, Collett, Dittemore, Gregg, Harney, Haworth, Hough, Howard, Miller, Neff, Sarnighausen, Sleeth, Smith, Thompson and Williams—18.

So the motion to lay on the table was agreed to.

Mr. Brown moved that the bill be made a special order for Tuesday next at ten o'clock a. m.

Which was agreed to.

SPECIAL ORDER.

The hour of 2:30 o'clock p. m. having arrived, being the hour fixed for the consideration of Senate bill No. 153, the same was taken up.

Engrossed Senate bill No. 153—an act to amend an act entitled, "An act to create a State Normal School," etc., approved December 20, 1865; and adding supplemental sections thereto and providing for certain appropriations.

Which was read a second time and ordered engrossed and made a special order for Tuesday next at ten o'clock.

Senate bill No. 176—an act supplemental to an act entitled, "An act to establish public libraries, approved February 16, 1852, defining the powers of cities in relation thereto, providing for the col-

lection of fines and forfeitures imposed by library associations, and permitting other corporations to take stock in the same."

Which was read a second time and ordered engrossed.

Senate bill No. 35—an act to amend sections seventeen and twenty-nine of an act entitled, "An act to repeal all general laws now in force for the incorporation of cities and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.

Which was read a second time and ordered engrossed.

Senate bill No 143—an act to restrain all persons from hiring or employing persons under the age of twenty-one years, to make or vend by the wholesale or retail any spirituous or intoxicating liquors, and prescribing penalties therefor, and declaring an emergency.

Which was read a second time and ordered engrossed.

Mr. Collett submitted the following report:

MR. PRESIDENT :

The Committee on Agriculture to whom was referred Senate bill No. 310 entitled, "A bill to provide for the collection of agricultural, mineral and mechanical productions of Indiana, and their display at the Viena Exposition, for the appointment of a Commissioner, and providing for expenses connected therewith," have had the same under consideration and direct me to report it back to the Senate and recommend its passage.

Which report was concurred in.

Senate bill No. 169—an act authorizing the organization of voluntary associations and prescribing their duties and powers.

Which was read a second time and ordered engrossed.

Senate bill No. 187—a bill to amend section one of an act entitled, "An act to amend section three of an act entitled, 'An act

for the regulation of weights and measures," approved January 9, 1852; approved February 28, 1855; approved March 7, 1863.

Which was read a second time.

Mr. Carnahan moved to amend the bill by striking out "70" in regard to weight of corn on the cob, and insert in lieu thereof "68."

Messrs. Carnahan and Gregg demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Collett, Dittemore, Fuller, Glessner, Gooding, Gregg, Harney, Haworth, Hough, Miller, Neff, Rhodes, Ringo, Sarnighausen, Steele, Taylor, Thompson and Williams—25.

Those who voted in the negative were, Messrs. Beardsley, Beeson, Daggy, Daugherty, Dwiggins, Francisco, Hall, Howard, Hubbard, Scott and Winterbotham—11.

So the amendment was agreed to, and the bill ordered engrossed.

Senate bill No. 193—a bill authorizing the construction of plank, Macadamized and gravel roads.

Which was read a second time and ordered engrossed.

Senate bill No. 198—a bill to provide for the organization of an experimental school for the education of idiotic and feeble-minded children.

Which was read a second time.

Mr. Dittemore moved that the bill be considered as engrossed, and the constitutional rule requiring bills to be read on three several days be suspended, that the bill may be read a third time now.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Beeson, Beggs, Bird, Boone, Brown, Cave, Collett, Daggy, Daugherty, Dittemore, Dwiggins, Francisco, Friedley (of Lawrence,) Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater Sleeth, Smith, Steele and Thompson—34.

Messrs. Fuller and Winterbotham voting in the negative.

So the motion was agreed to.

Engrossed Senate bill No. 198—a bill to provide for the organization of an experimental school for the education of idiotic and feeble-minded children.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Bird, Boone, Brown, Carnahan, Cave, Collett, Daggy, Dittemore, Dwiggin, Francisco, Friedley (of Lawrence,) Glessner, Gooding, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo Sarnighausen, Scott, Sleeth, Smith, Steele and Thompson—34.

Messrs. Daugherty, Fuller, Gregg, Slater and Winterbotham voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Friedley, of Lawrence, offered the following resolution:

Resolved, That His Excellency, Governor Hendricks, be and he is hereby respectfully requested to return to the Senate enrolled House bill No. 71.

Which was adopted.

Mr. Hall moved to refer the bill to a select committee of five, consisting of Messrs. Gooding, Dwiggin, Hough, Hubbard and Hall.

Which was agreed to.

Mr. Steele moved to take up Senate bill No. 301.

Which was agreed to.

Senate bill No. 301—an act for the incorporation of companies formed for the purpose of constructing bridges for railway or common roadway purposes, or both, over rivers forming the boundaries of the State of Indiana or part thereof.

Which was read a second time.

Mr. Steele moved that the bill be considered engrossed and that the constitutional rule be suspended requiring bills to be read on three several days, and the bill read a third time now.

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Bird, Brown, Carnahan, Cave, Collett, Daggy, Dwiggins, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Hall, Haworth, Hough, Haward, Hubbard, Neff, Oliver, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Taylor, Thompson, Wadge and Williams—33.

Those who voted in the negative were Messrs. Armstrong, Beggs, Boone, Bowman, Daugherty, Gregg, Harney and Winterbotham—8.

So the rule was suspended.

Mr. Bowman asked and obtained leave of absence indefinitely.

Mr. Dwiggins moved to suspend the order of business, and take up House bills on a third reading.

Which was not agreed to.

Senate bill No. 95 was taken from the table.

Mr. Hubbard submitted the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred House bill No. 138—a bill to amend the third section of an act entitled, "An act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished

school buildings," etc., with instructions, respectfully report that they have had the same under consideration, and would recommend that the bill be amended as follows, in compliance with said instructions :

Strike out all after the enacting clause, and insert the following :

SECTION 1. That any city or incorporated town in this State which shall, by the action of its School Trustee or Trustees, have purchased any ground and building or buildings, or may hereafter purchase any ground and building or buildings, or have commenced or may hereafter commence the erection of any building or buildings for school purposes, or which shall have, by its School Trustee or Trustees, contracted any debts for the erection of such building or buildings, or the purchase of such ground and building or buildings, and such Trustee or Trustees shall not have the necessary means with which to complete such building or buildings, or to pay for the purchase of such ground and building or buildings, or pay such debt, may, on the filing by the School Trustee or Trustees of said city or incorporated town of a report under oath with the Common Council of such city or the Board of Trustees of such incorporated town, showing the estimated or actual cost of any such ground and building or buildings, or the amount required to complete such building or buildings, or purchase such ground and building or buildings, or the amount of such debt on the passage of an ordinance authorizing the same by the Common Council of said city or the Board of Trustees of such incorporated town, issue the bonds of said city or town to an amount not exceeding in the aggregate fifty thousand dollars in denominations not less than one hundred nor more than one thousand dollars, and payable at any place that may be designated in the bonds, the principal in not less than one year, nor more than twenty years after the date of such bonds, and the interest annually or semi-annually, as may be therein provided, to provide the means with which to complete such building or buildings, or to pay for the purchase of such ground and building or buildings, and to pay such debt, and such Common Council or Board of Trustees may from time to time negotiate and sell as many of such bonds as may be necessary for such purpose in any place and for the best price that can be obtained therefor in cash. *Provided*, That such bonds shall not be sold at a price less than ninety-four cents on the dollar.

SEC. 2. The proceeds of the sales of such bonds shall be paid to the said school trustee or trustees, to enable them to erect or complete such building or buildings and pay such debt, but before payment to them such school trustees shall file with the county auditor a bond payable to the State of Indiana, in a sum not less than the full amount of the said money so to be paid to them, and with security to be approved by said auditor, conditioned for the faithful and honest application of such money to the purpose for which the same was provided, and such trustee or trustees, and their surety or sureties, shall be liable to suit on such bond for any waste, misapplication, or loss of such money, in the same manner as now provided for waste or loss of school revenue.

SEC. 3. In addition to the levying the tax by cities or incorporated towns for general purposes now authorized by law, the common council of any such cities, and board of trustees of any such incorporated towns, as shall avail themselves of the provisions of this act, are hereby authorized and required to levy annually a special additional tax at the same time and in the same manner as other taxes of such city or town are levied, sufficient to pay the interest and principal of such bonds falling due, which additional special tax shall be assessed and collected as the taxes for State and county revenue are assessed and collected, and the treasurer of such city or town shall keep accurate accounts of the revenue arising from such special tax, and shall, in his reports and when required by the city or town authorities show the amount thereof received, the amount disbursed, and the amount thereof, if any, remaining delinquent; he shall pay out the same only by the authority of the common council of such city or board of trustees of such town, and shall permit the same to be applied to no other purpose than the payment of the principal and interest of such bonds, and official bonds of city and town treasurers shall be construed to cover and include revenue arising from this source; persons residing outside of any such city or town, and electing to be transferred to such town or city for educational purposes, or who shall send their children to the school taught in any such building, shall, with their property, be liable to such tax as if they resided in such city or town on all property owned by said person in the township where such city or town is located: *Provided, always,* that the additional special tax hereby authorized shall not, in any

one year, exceed fifty cents on each one hundred dollars of taxable property, and one dollar on each poll.

SEC. 4. All bonds issued, contracts made, and debts created, pursuant to the acts of March 11, 1867, and May 15, 1869, relating to the same subject as this act, are hereby legalized and declared valid, and the taxes to pay any such bonds, contracts or debts, and the interest thereon, shall be assessed and collected in accordance with this act.

SEC. 5. An emergency existing for the immediate taking effect of this act, it shall be in force from and after its passage.

And after such amendments, the committee recommend the passage of the bill.

Which was concurred in.

Mr. Neff submitted the following report:

MR. PRESIDENT:

The Committee on Engrossed Bills, to whom was referred Senate bill No. 90, entitled "A bill to amend section twenty-six of an act entitled 'An act regulating descents and the apportionment of estates,'" approved May 14, 1852, and declaring an emergency, have had the same under consideration, and find the same correctly engrossed.

Mr. Sleeth submitted the following report:

MR. PRESIDENT:

The Committee on Phraseology and Arrangement of Bills, to whom was referred engrossed Senate bills Nos. 222, 192, 195, 174, 219 and 185, have instructed me to report that they have examined the same and find them correctly engrossed.

Mr. Neff submitted the following report:

MR. PRESIDENT:

The Committee on Engrossed Bills, to whom was referred Senate bill No. 83—a bill defining the offense of libel, would report

that they have had the same under consideration, and find the same correctly engrossed.

On motion by Mr. Brown, the Senate adjourned.

G. W. FRIEDLEY,
President of the Senate, *pro tem.*

SATURDAY MORNING.

FEBRUARY 15, 1873, 9:30 O'CLOCK.

Senate met.

Hon. George W. Friedley, President *pro tem.*, in the chair.

Prayer by Rev. J. C. Smith, of Indianapolis.

Pending the reading of the journal of yesterday, on motion by Mr. Dwiggins the further reading thereof was dispensed with.

Mr. Howard asked and obtained leave of absence until Tuesday next.

Mr. Cave presents a petition from the citizens of Pike county relative to the subject of temperance.

Which was referred to the Committee on Temperance without reading.

Mr. Cave presented a petition from citizens of Martin county asking the abolition of Common Pleas Court.

Which was referred to a select committee of thirteen without reading.

Mr. Neff presented a petition from various citizens of the State of Indiana relative to the subject of Temperance.

Which was referred to the Committee on Temperance without reading.

Mr. Scott presented a petition from citizens of Vigo county relative to the subject of temperance.

Which was referred to the Committee on Temperance without reading.

Mr. Friedley, of Lawrence, presented a petition from Antonie Sontag on the subject of Emigration to the United States from the South-Slavic nationalities.

Which was referred to the Committee on Emigration and Statistics.

Mr. Dwiggins moved to suspend the order of business and take up introduction of bills.

Which was not agreed to.

Mr. Daggy moved when the Senate adjourn, it adjourn until Monday, at 2 o'clock p. m.

Which was agreed to.

Mr. Sarnighausen submitted the following report :

MR. PRESIDENT :

The Committee on the Rights and Privileges of the Inhabitants of the State of Indiana, to whom was referred Senate bill No. 297, entitled, "An act making it unlawful for any person owning, or having the possession, care, management or control of any saloon, restaurant, room, or other place, in which intoxicating liquors are kept for sale, to allow, permit, or suffer any person or persons under the age of twenty-one years, to come in, and to stay, loaf, or congregate in or about such saloon, restaurant, room, or other place, where such liquors are kept, and fixing a penalty for violating this act," have had the same under consideration, and directed me to report it back, with the recommendation that it do pass.

Which report was concurred in.

Mr. Sarnighausen submitted the following report :

S. J.—35

MR. PRESIDENT :

The Committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill No. 136, entitled, "An act pertaining to division walls and digging cellars where there is adjoining property of another person in cities or towns," have had the same under consideration, and directed me to report it back to the Senate, with the recommendation that it do lie on the table.

Mr. Sleeth moved to amend the report by laying the bill on the table.

Which was agreed to, and the report as amended was concurred in.

Mr. Sarnighausen submitted the following report:

MR. PRESIDENT :

The Committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill No. 256, entitled, "An act to prohibit certain officers from using free passes over railroads," have had the same under consideration, and direct me to report the same, with the recommendation that it do pass.

Which report was concurred in.

Mr. Sarnighausen submitted the following report:

MR. PRESIDENT :

The Committee on the Rights and Privileges of the Inhabitants of the State of Indiana, to whom was referred Senate bill No. 235, entitled, "Charter of the Northwestern Synod of the Reformed Church in the United States, consisting of the citizens of Indiana and other States," have had the same under consideration, and directed me to report it back, with the recommendation that it be indefinitely postponed.

Which was concurred in.

Mr. Sarnighausen submitted the following report:

MR. PRESIDENT :

The Committee on the Rights and Privileges of the Inhabitants of the State of Indiana, to whom was referred Senate bill No. 254, entitled, "A bill to amend section sixty of an act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867, have had the same under consideration, and report it back to the Senate, recommending its passage.

Which report was concurred in.

Mr. Hough submitted the following report :

MR. PRESIDENT :

The Committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill No. 279, entitled, "A bill to regulate the stopping of passenger trains in incorporated cities," have had the same under consideration, and have directed me to return the same back to the Senate, with the recommendation that it do lie on the table.

Mr. Gregg moved to amend the report so as to recommend the passage of the bill.

Which was not agreed to, and the report of the committee was concurred in.

Mr. Hough submitted the following report :

MR. PRESIDENT :

The Committee on the Rights and Privileges of the Inhabitants of the State of Indiana, to whom was referred House bill No. 314, entitled, "A bill to prevent negligence or careless riding or driving on public highways," have had the same under consideration, and have directed me to return to the Senate said bill, with the recommendation that the same be indefinitely postponed.

Which report was concurred in.

Mr. Hough submitted the following report :

MR. PRESIDENT :

The Committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill No. 19, entitled "A bill amending an act regulating the granting of divorces, nullification of marriage and decrees, and orders of court incident thereto," have had the same under consideration, and have directed me to return the same to the Senate, with the recommendation that it be indefinitely postponed.

Which report was concurred in.

Mr. Dwiggins submitted the following report :

MR. PRESIDENT :

The Committee on Corporations to whom was referred Senate bill No. 306—a bill providing for the organization of incorporated companies with power to lay out and build towns or addition to towns in the State of Indiana," have had the same under consideration and have directed me to report the same back with the recommendation that it pass.

Which report was concurred in.

Mr. Dwiggins submitted the following report :

MR. PRESIDENT :

The Committee on Corporations have had under consideration Senate bill No. 242, entitled "A bill to amend sections seven and eight of the general law for the incorporation of cities," and recommend that section seven be amended by inserting after the word "election," the words "and not more than once in every six years," and after such amendment the committee recommend the passage of the bill.

Which report was concurred in.

Mr. Dwiggins submitted the following report :

MR. PRESIDENT :

The Committee on Corporations to whom was referred Senate bill No. 267—a bill requiring license for certain purposes therein specified, have had the same under consideration and recommend that it be amended as follows :

Strike out section two. Strike out the words "one hundred," in section three line nine, and insert in lieu thereof the word "fifty;" strike out section four and insert in lieu thereof the following:

SECTION 4. The money arising from the exhibitions mentioned in the foregoing sections shall be paid over by the county treasurers of their respective counties to the agricultural society of the county where collected, *provided*, that in counties where there are no agricultural societies organized, the treasurer thereof shall pay the same thus collected into the county treasury. And after such amendments the committee recommend the passage of the bill.

Which report was concurred in.

Mr. Dwiggins submitted the following report :

MR. PRESIDENT :

The Committee on Corporations to whom was referred Senate bill No. 299—An act providing for distribution of the proceeds of the sale of school house property where portions of school districts are annexed to cities of thirty thousand or more inhabitants, and where school house property of such districts within the annexed territory is sold, have had the same under consideration and have directed me to report the same back to the Senate, with the recommendation that it do pass.

Which report was concurred in.

Mr. Dwiggins submitted the following report :

MR. PRESIDENT :

The Committee on Corporations to whom was referred Senate bill No. 305, entitled, "An act to incorporate trustees selected by any religious society for educational, benevolent, or charitable purposes, and enable them to receive and hold real and personal prop-

erty for such purposes," have had the same under consideration and have directed me to report the same back to the Senate with the following amendment, to-wit:

Strike out "fifty thousand" in line seven, section three, and insert "onehundred thousand," and when so amended, would respectfully ask that the bill do pass.

Which report was concurred in.

Mr. Dittemore submitted the following report:

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 275, entitled "An act granting the consent of the State of Indiana to the purchase by the United States of lands for the purpose of the erection of custom houses, post offices and buildings, and United States court houses, ceding jurisdiction over the same to the United States, and exempting the same, together with the property therein belonging to the United States from taxation, and providing for the condemnation of land for said purposes," have had the same under consideration, and direct me to report the same back to the Senate with the recommendation that the same be amended so as to include lands for the erection of hospitals, and that section two be amended to read as follows:

SEC. 2. The United States shall have the same power to condemn and appropriate land or lands for the purposes aforesaid as railroad companies now possess to condemn for railroad purposes, under an act approved May 11, 1852, entitled, "An act to provide for the incorporation of railroad companies." The United States District Court for the District of Indiana shall have the same jurisdiction and powers as the Judge and Clerk of the Circuit Court have in the act aforesaid.

And when so amended, the committee recommend that the bill do pass.

Which report was concurred in.

MAJORITY REPORT.

Mr. Daggy submitted the following report:

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 229—a bill to legalize the official acts of the board of trustees of the town of Cicero, Hamilton county, together with the amendments and report of the Committee on Corporations, have had the same under consideration, and a majority thereof have directed me to return said bill and amendments made by said committee on Corporations, recommending the passage of said bill as amended by said Committee on Corporations.

MINORITY REPORT.

Mr. Boone submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 229—a bill to legalize the official acts of the board of trustees of the town of Cicero, Hamilton county, together with the amendments, and have had the same under consideration, and a minority of said committee are of opinion that the bill ought not to pass; because,

First. It is a curative statute, and is special in its operations relating wholly to the acts of the town board.

Second. The citizens to be affected by it are divided on the question involved, as is shown by the petitions and remonstrances, as well as the statements of the parties before the committee.

Third. It would, in effect, supply a record, and almost every act of the town board, under the law in force at the time, to give them any legal effect whatever.

Fourth. It would be a precedent for the submission of such matters to the very casual, and often exparte investigation of a legislative committee for settlement, when they ought to be left to the courts and juries of the State.

Mr. Dwiggins moved to lay the reports on the table.

Which motion was agreed to.

Mr. Boone submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred Senate bill No. 293—a bill supplemental to an act to provide for the election of an Attorney General, etc., have had the same under consideration and have instructed me to report the same back with the amendments recommended by the committee, and when so amended to recommend the passage of the bill. Amend the bill as follows: In section nine, line twenty-eight, after the word "demand" insert the words, "shall be deemed guilty of a misdemeanor and." In section fourteen, line five, after the word "shall" insert the words, "be deemed guilty of a misdemeanor and."

Which report was concurred in.

Mr. Daggy submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred Senate bill No. 276, entitled, "An act repealing section forty-seven of an act entitled, an act defining felonies and prescribing punishment therefor," approved June 10, 1852, have had the same under consideration, and a majority of said committee have instructed me to report said bill back to the Senate with the recommendation that it do pass.

Which was concurred in.

Mr. Boone submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 289—a bill to fix the salary of the Judges of the Supreme Court of this State, and to provide for the time and manner of payment—have had the same under consideration, and have instructed me to report the same back with the amendments hereto annexed, and when so amended to recommend its passage :

Amend as follows: Strike out of fourth line, section one, the word "five," and insert in lieu thereof the word "four." Strike out of the second and third lines, in section two, the words "which are in conflict with the provisions of this act," and insert in lieu

thereof the words "allowing any other or different compensation to such judges be and the same."

Which report was concurred in.

Mr. Brown submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred engrossed Senate bill No. 33—a bill to amend an act to incorporate the Indiana Fire and Marine Insurance Company—have had the same under consideration, and have directed me to report the same back, with a recommendation that the same lie upon the table.

Which report was concurred in.

Mr. Steele submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 286—a bill to provide for liens on buildings, and to provide for the enforcement of the same—have had the same under consideration, and report back that the same do lie on the table.

Which report was concurred in.

Mr. Steele submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 285—an act to repeal an act entitled, "An act to amend section one of an act entitled, an act to amend section three of an act entitled, an act for the regulation of weights and measures, and to restore section one of the above entitled act"—have had the same under consideration, and I am authorized by the committee to return the same, with the recommendation that it be indefinitely postponed.

Which report was concurred in.

Mr. Steele submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 312, entitled, "A bill to fix the salary of the Governor's Private Secretary," which reads as follows, to-wit:

SECTION 1. That the salary of the Governor's Private Secretary shall be \$2,200 per annum, and the same shall be paid quarterly out of any money in the Treasury not otherwise appropriated—have had the same under consideration, and authorize me to report the same back to the Senate, with the recommendation that section one be amended so as to read, "one thousand dollars," in lieu of "two thousand and two hundred dollars."

Which report was concurred in.

Mr. Gregg submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 314, entitled "An act to fix the number of jurors necessary to find a verdict in civil causes," have had the same under consideration, and have instructed me to report it back to the Senate, with the recommendation that it be indefinitely postponed.

Mr. Gooding moved to amend the report so as to recommend the bill be laid on the table.

Which motion was agreed to.

The report as amended was concurred in.

Message from the House by Mr. Nixon, Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, to-wit:

Resolved by the House, (the Senate concurring therein,) That this General Assembly will meet in joint convention in the hall of the House of Representatives, at 7 o'clock p. m. on Wednesday, the 19th inst., to hear Marion H. Bovee touching a

memorial on the subject of capital punishment, pending before the General Assembly.

Mr. Boone submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred Senate bill No. 298—a bill to amend section 186 of an act to revise, simplify and abridge the rules, practice, etc.—have had the same under consideration, and have directed me to report the same back with a recommendation that it lie upon the table, for the reason, among others, that the substantial parts of the proposed amendments are embraced in a House bill already acted upon by the committee, and its passage recommended, which recommendation has already been concurred in.

Which report was concurred in.

Mr. Gregg submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred House bill No. 113, entitled, "A bill to amend section two of an act to provide for the election, fixing the compensation, and prescribing the duties of the Attorney General of the State of Indiana," approved June 3, 1861, have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be indefinitely postponed.

Which report was concurred in.

Mr. Miller submitted the following report :

MR. PRESIDENT :

The Committee on Roads, to whom was referred Senate bill No. 81—a bill to authorize the election of a county engineer and three road commissioners and the appointment of an examiner of county engineers, etc., have had the same under consideration and direct me to return it to the Senate with the recommendation that it do lie on the table.

Mr. Gooding submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred Senate bill No. 277, entitled "An act to extend the jurisdiction of judges of the criminal circuit courts of this State," have had the same under consideration and directed me to report the same back with the recommendation that wherever the name of the said courts occur, it be written criminal circuit court, and that when so amended the same do pass.

Which was concurred in.

Mr. Rhodes submitted the following report :

MR. PRESIDENT :

The Committee on Fees and Salaries to whom was referred Senate bill No. 244, entitled, "An act fixing the compensation of certain officers therein mentioned," have had the same under consideration and direct me to report the same back with the following recommendation, to-wit :

Amend section four line four by striking out the word "five," and inserting in lieu thereof the word "three," and that when so amended the committee recommend that the bill pass.

Which was concurred in.

Mr. Gooding submitted the following report :

MR. PRESIDENT :

The Committee on Railroads to whom was referred House bill No. 151, entitled, "An act to declare abandoned certain unfinished railroads, and provide for their completion, to declare forfeited the franchises of certain railroad companies, and for the assessment of the value thereof, for the organization of new companies and for making annual statements," have had the same under consideration and direct me to report the same back with the recommendation that the same be amended by substituting the word "April" for the word "February," on page four, before the figures 1873, and to further amend by inserting section two to read as follows :

SECTION 2. The Auditor of State shall procure and keep a book and cause the reports herein required to be copied therein in suitable tabular form and keep said book indexed, and shall receive for each report two dollars to be paid by the railroad company making such report; that the emergency clause be numbered three, and that the bill when so amended be passed.

Which was concurred in.

Mr. Collett submitted the following report :

MR. PRESIDENT :

The Committee on Agriculture have had Senate bill No. 274— an act to amend the act of February 20, 1867, relating to the capital stock of County Agricultural Societies, etc., under consideration, and after amending by striking out of eleventh line with perpetual succession, recommend its passage.

Which report was concurred in.

Mr. Harney submitted the following report :

MR. PRESIDENT :

The Committee on Agriculture to whom was referred Senate bill No. 283, authorizing County Agricultural Societies to issue capital stock and own real estate, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that it lay upon the table.

Which report was concurred in.

Mr. Brown submitted the following report :

MR. PRESIDENT :

The Committee on Railroads, to whom was referred Senate bill No. 251—an act in relation to donations by individuals to aid in the construction of railroads, return the same and recommend its passage.

Mr. Brown submitted the following report :

MR. PRESIDENT:

The Committee on Railroads, to whom was referred Senate bill No. 139, entitled, "A bill to enable railroads to alter their lines in certain cases," return the bill and recommend its passage.

Mr. Daggy submitted the following report:

MR. PRESIDENT:

The Committee on Insurance, to whom was referred House bill No. 36—a bill to amend sections one and six of an act entitled, "An act to incorporate the Franklin Insurance Company," approved February 13, 1851, have had the same under consideration and a majority thereof have instructed me to return the same recommending its passage.

Which report was concurred in.

Mr. Dwiggins submitted the following report:

MR. PRESIDENT:

The Committee on Railroads, to whom was referred engrossed House bill No. 241—a bill to give security to persons who contract to perform work and labor in the construction of railroads, and declaring an emergency, have had the same under consideration, and have directed me to report the same back with the following amendments:

Amend by striking out all of section one after the word "therefore," in line nine on page three, and insert the following:

Provided, That the provisions of this act shall not apply to work done or materials furnished for railroad corporations whose roads are in operation.

SEC. 2. Any person desiring to acquire such lien shall give notice of his intention to have such lien by causing a notice thereof to be recorded in the recorder's office of the proper county, in the same manner and within the same time provided by law for giving notice of mechanic's lien, and any person having given such notice within the proper time, may enforce such lien in the same manner as mechanics' liens are enforced.

Number section two section three, number section three section four.

And when the bill is so amended, the committee recommend its passage.

Which report was concurred in.

Mr. Sarnighausen introduced Senate bill No. 319—a bill to legalize the acts of school trustees of incorporated towns, who have issued and sold bonds to procure means to erect school buildings.

Which was read a first time.

Mr. Boone introduced Senate bill No. 320—a bill to prescribe an oath or affirmation, and to prescribe cause and means of removal from office of any person holding office in this State.

Which was read a first time.

Mr. Winterbotham introduced Senate bill No. 321—a bill providing for the organization and government of State Prisons, and for the appointment of a board of commissioners to have charge of the same.

Which was read a first time, and referred to the Committee on Prisons.

Mr. Sleeth introduced Senate bill No. 322—a bill to amend section 587 of an act entitled "An act to revise, simplify, and abridge the rules, practice and pleadings, and forms in civil cases in the Courts of the State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Dwiggin submitted the following report:

MR. PRESIDENT:

The Committee on Swamp Lands to whom was referred Sen-

ate bill No. 304, being an act to repeal section thirty-seven of an act to regulate the sale of swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the conditions of said grant, approved May 27, 1852, have had the same under consideration and have directed me to report the same back with a recommendation that the same do pass.

Which report was concurred in.

Mr. Dwiggins submitted the following report:

MR. PRESIDENT:

The Committee on Railroads, to whom was referred Senate bill No. 296, being an act requiring railroad companies to pay an equal amount of the cost of keeping railroad crossings in repair where two railroads cross each other, have had the same under consideration and have directed me to report the same back with a recommendation that it pass.

Which was concurred in.

Mr. Dwiggins submitted the following report:

MR. PRESIDENT:

The Committee on Railroads to whom was referred Senate bill No. 215, entitled, "An act providing for the leasing of railroads and authorizing one railroad company to aid another railroad company," have had the same under consideration and have instructed me to report the same back with a recommendation that the same do pass.

Which was concurred in.

Mr. Steele moved to reconsider the vote concurring in the report of committee on Senate bill No. 312.

Which was agreed to.

Mr. Steele moved the bill be recommitted to the committee on the Judiciary.

Which was agreed to.

Mr. Boone introduced Senate bill No. 323—a bill to fix the time of holding Circuit Court in the eighth judicial circuit and prescribing the length of terms.

Which was read a first time and referred to a select committee consisting of Messrs. Boone, Harney and Rhôdes.

Mr. Dwiggins introduced Senate bill No. 324—an act in relation to sheriffs' deeds.

Which was read a first time.

Message from the House:

The concurrent resolution of the House in regard to printing the report of the Agent of State was taken up, and on motion adopted.

The concurrent resolution of the House in regard to joint convention to receive memorial on subject of capital punishment, was taken up and failed to pass.

The concurrent resolution of the House in regard to State Library, was taken up, and on motion, adopted.

Mr. Miller asked and was granted a leave of absence until Tuesday next.

On motion by Mr. Dittemore the Senate adjourned.

GEO. W. FRIEDLEY,
President of the Senate, *pro tem.*

MONDAY AFTERNOON.

FEBRUARY 17, 1873, 2 O'CLOCK.

Senate met.

Pending the reading of the Journal of Saturday,

On motion by Mr. Brown, the further reading thereof, was dispensed with.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following concurrent resolution, to-wit:

WHEREAS, The funeral of Mrs. DeSanno, late wife of James DeSanno, Librarian of State, will take place this afternoon at 2 o'clock from the residence of Mr. DeSanno; therefore,

Resolved by the House of Representatives, (the Senate concurring), That the members of the Senate and House will attend her funeral in a body, and that a recess of the two Houses be taken for that purpose until three o'clock.

Which was taken up and concurred in.

On motion by Mr. Brown the Senate adjourned.

LEONIDAS SEXTON,
President of the Senate.

TUESDAY MORNING.

FEBRUARY 18, 1873, 10 O'CLOCK.

Senate met.

Prayer by the Rev. Dr. Nutt, of Bloomington.

The journal was read and approved.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Hough presented a petition from various citizens of Henry county, Indiana, relative to the subject of Temperance.

Which was referred to the Committee on Temperance without reading.

Mr. Friedley (of Lawrence) presented a petition from various citizens relative to the subject of Temperance.

Which was referred to the Committee on Temperance without reading.

Mr. Hall presented a petition from citizens of Clarke county on the subject of Temperance.

Which was referred to the Committee on Temperance.

Mr. Beeson presented a petition from citizens and voters of the State of Indiana on the subject of Temperance.

Which was referred to the Committee on Temperance without reading.

Mr. Armstrong presented a petition from citizens of Carroll county on the subject of Temperance.

Which was referred to the Committee on Temperance without reading.

Mr. Friedley (of Lawrence) presented a remonstrance from various members of the bar of Lawrence county, Indiana, remonstrating against the passage of a bill changing the time of holding the circuit court in the second judicial district.

Which was referred to the Committee on the Organization of Courts without reading.

Mr. Hall submitted the following report :

MR. PRESIDENT :

The Committee on Engrossed Bills report that they have had engrossed bills Nos. 176, 188, 202 and 217 under consideration, and find the same correctly engrossed.

Mr. Collett submitted the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled Bills report that they have had Senate enrolled act No. 29 under consideration, and find the

same correctly enrolled. It being an act to provide for the enlargement of the State House Grounds.

Mr. Orr presented the following claims of A. D. Williams, Howd D. Thompson, William Beeson, James Daugherty, George W. McGraw, Benjamin J. Beeson, Richard Lake, Weams Heagy, Milton S. Robinson and Cornelius Daugherty, citizens of Madison county.

Which was referred to the Committee on Claims.

Mr. Friedley (of Lawrence) presented a petition from citizens of Scott county on the subject of Temperance.

Which was referred to the Committee on Temperance without reading.

Mr. Friedley (of Lawrence) presented a petition from various citizens of Monroe county, Indiana, on the subject of Temperance.

Which was referred to the Committee on Temperance without reading.

Mr. Orr presented the claims of J. H. Kirkwood, Simon Knight, Joseph Hinton and Caleb Johnson, citizens of Delaware county.

Which were referred to the Committee on Claims without reading.

REPORTS FROM STANDING COMMITTEES.

Mr. Boone submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 233—a bill to enable cities to aid in the construction of manufacturing companies—have had the same under consideration, and recommend that the same lie upon the table.

Which was concurred in.

Mr. Boone submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred House

bill No. 114—a bill to amend the first section of an act to authorize any person desiring to erect a flouring mill or other machinery to be propelled by water on his own land, to make a race-way below such mills or machinery through land belonging to other persons, and to regulate the assessment and payment of damages therefor, approved March 1, 1853—have had the same under consideration, and have instructed me to recommend the following amendments thereto, and when so amended to recommend its passage:

Strike out of the title the words be so amended as to read as follows, to-wit: Insert in third line of section one, after the word "Indiana" the following: That section one of an act entitled, "An act to authorize any person desiring to erect a flouring mill or other machinery to be propelled by water on his own land, to make a race-way below such mill or machinery through land belonging to other persons, and to regulate the assessments and payment of damages therefor, approved March 1, 1853, be and the same is amended so as to read as follows: Before the word "so," in the twenty-sixth line of section one insert the words "chapter one of part second, volume 2, Revised Statutes of 1852, (2 Gavin & Hord, 310.)"

Which was concurred in.

Mr. Beeson submitted the following report:

MR. PRESIDENT:

The committee to whom was referred House bill No. 50, entitled, "A bill to amend the fifth section of an act entitled an act to discourage the keeping of useless and sheep-killing dogs, and providing penalties for violating any of the provisions of said act by officers and others, and also repealing an act to license dogs, approved March 16, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled an act for the protection of sheep, approved March 15, 1862, prescribing the duties of Township Trustee in relation thereto, and adding an additional section, and declaring an emergency," have had the same under consideration, and make the following report:

The Chairman of said committee finding himself associated with a committee wholly unacquainted with all the peculiarities of the canine species, and unwilling to risk his own opinion on so important a subject, was compelled to obtain aged and experienced assistance on so vast a subject as that of the personal liberty of all the dogs in the State. He therefore obtained the invaluable services of the aged and experienced Chairman of the Judiciary Committee, and after a full, fair, critical and complete examination of said bill were satisfied that it contained no provision that could by the learned judge, the cunning lawyer or the critical juror, be tortured into any meaning that would abridge the liberties and happiness of their favorite fox dogs. Therefore the undersigned, Chairman of the Committee on Temperance, with pleasure report said bill back to the Senate, with the earnest recommendation that it do pass.

Which was concurred in.

Mr. Hall submitted the following report:

MR. PRESIDENT:

The Committee on Rights and Privileges have had under consideration engrossed House bill No. 225—a bill amending section two of an act entitled “An act to provide for the protection of wild game, and defining the time in which the same may be taken or killed, and prescribing the penalty for violation of the same, approved March 11, 1867, and also providing for the protection of certain birds, recommend that the word “March” be stricked out of line ten, section one, and the word “February” inserted. After which they recommend the passage of the bill.

Which was concurred in.

Mr. Hough submitted the following report:

MR. PRESIDENT:

The Committee on the Rights and Privileges of the Inhabitants of the State to whom was referred Senate bill No. 246, entitled, “An act for the suppression of the trade in and circulation of obscene literature, illustrations, advertisements and articles of inde

cent or immoral use, and obscene advertisements of patent medicines and articles for producing abortion, etc., have had the same under consideration and have directed me to return the same to the Senate with the recommendation that section one thereof be amended by striking out all after the word "offense," in line thirteen, and that section two be amended by striking out all after the word "forth," in line ten; and that section three be amended by striking out the word "magistrate" in line one, and inserting in lieu thereof the words justice of the peace; and amend section three further by striking out all between the word thereof, in the sixth line and the beginning of the seventh line and inserting in lieu thereof the words, to the Prosecuting Attorney of his circuit or the District Attorney of his judicial district; and that section four by inserting after the words "attorneys," the words and district attorneys. And amend said bill further by striking out the fifth section, and when said bill is so amended the committee recommend that the same do pass.

Which was concurred in.

Mr. Hughes submitted the following report:

MR. PRESIDENT:

The Committee on the Rights and Privileges of the Inhabitants of the State to whom was referred Senate bill No. 300—A bill for an act authorizing the board of county commissioners of any county to make an allowance of money for the benefit of organized draining companies, their officers or sureties and prescribing under what circumstances such allowance may be made, etc., have had the same under consideration and have directed me to return the same with the recommendation that the bill lie on the table.

Mr. Harney moved that the bill be recommitted to the Committee on the Judiciary.

Which was agreed to.

Mr. O'Brien submitted the following report:

MR. PRESIDENT:

The Committee on Rights and Privileges to whom was referred Senate bill No. 247—"An act to provide against usury," have had

the same under consideration and a majority of the committee recommend that the bill be indefinitely postponed.

Which was concurred in.

Message from the House by Mr. Nixon clerk thereof.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed Enrolled act of the Senate No. 29—An act to provide for the enlargement of the State House grounds and the same is herewith returned to the Senate.

Mr. O'Brien submitted the following report :

MR. PRESIDENT :

The Committee on Rights and Privileges to whom was referred Senate bill No. 241—"A bill declaring all agreements to pay attorney fees when contained in any written evidence of indebtedness as an addition thereto on a contingency shall be usurious, illegal and void," have had the same under consideration and recommend that it be indefinitely postponed.

The question being on concurring in the report of the committee,

Messrs. Cave and Neff demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Chapman, Collett, Daggy, Daugherty, Dwiggins, Friedley (of Scott,) Friedley (of Lawrence,) Gooding, Hough, Hubbard, O'Brien, Rhodes, Thompson and Wadge—17.

Those who voted in the negative were, Messrs. Beggs, Bird, Boone, Brown, Bunyan, Carnahan, Cave, Dittemore, Fuller, Francisco, Glessner, Gregg, Hall, Harney, Haworth, Miller, Neff, Oliver, Orr, Ringo, Sarnighausen, Scott, Slater, Smith, Steele, Taylor, Williams and Winterbotham—28.

So the report of the committee was not concurred in.

Mr. O'Brien moved to recommit the bill to the Committee on the Judiciary.

Mr. Slater moved to lay the motion to recommit on the table.

Which was agreed to.

SPECIAL ORDER.

The hour of 10 o'clock a. m. having arrived, being the hour fixed for the consideration of engrossed House bill No. 56,

The same was taken up.

Engrossed House bill No. 56—a bill authorizing the appropriation of money out of the State treasury for the use of the Indiana University, located at Bloomington, Monroe county.

Which was read a third time.

Mr. Scott demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Beggs, Bird, Boone, Brown, Cave, Collett, Daggy, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Hall, Hough, Hubbard, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Scott, Slater, Steele, Taylor, Thompson, Wadge and Winterbotham—34.

Those who voted in the negative were, Messrs. Carnahan, Chapman, Gregg, Harney, Haworth, Miller, Sarnighausen, Smith and Williams—9.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

SPECIAL ORDER.

The hour of 10 o'clock a. m. having arrived, being the hour fixed for the consideration of engrossed Senate bill No. 153,

The same was taken up.

Engrossed Senate bill No. 153—a bill to create an act to create a State Normal School, and declaring an emergency, approved December 20, 1865, and adding supplemental sections thereto, and providing for certain appropriations.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Brown, Bunyan, Cave, Collett, Daggy, Daugherty, Dwiggins, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Hough, Hubbard, Neff, Oliver, Orr, Rhodes, Ringo, Scott, Steele, Taylor, Thompson, Wadge and Winterbotham—30.

Those who voted in the negative were, Messrs. Beggs, Bird Carnahan, Chapman, Gregg, Hall, Harney, Haworth, Miller, O'Brien, Sarnighausen, Slater, Smith and Williams—14.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Dwiggins moved to reconsider the vote concurring in the report of the committee on Senate bill No. 302.

Senate bill No. 302—An act to make general indexes of deeds and mortgages evidence in certain cases.

Which was agreed to.

Mr. Dwiggins moved that the bill be recommitted to the Committee on the Judiciary.

Which was agreed to.

Mr. Collett submitted the following report :

MR. PRESIDENT :

The joint committee on Enrolled bills report that they have this day presented to his Excellency the Governor for his approval Enrolled Senate bill No. 29—"An act to provide for the enlargement of the State House grounds."

Message from the House by **Mr. Nixon**, clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following Engrossed bills to-wit:

Engrossed House bill No. 382—a bill relative to the salary of Superintendent of Public Instruction and providing the manner of paying the same.

Engrossed House bill No. 395—A bill relating to service of summons and publication of notice in civil actions.

Engrossed House bill No. 415—A bill to amend sections twenty-three, twenty-four, twenty-six, thirty-six, thirty-seven and forty-three, of an act entitled "an act to repeal all general laws now in force for the incorporation of cities, approved March 14, 1867.

Engrossed House bill No. 416—A bill granting the consent of the State of Indiana to the purchase by the United States of certain lands for the purpose of the erection of a public building at Evansville, and ceding jurisdiction over the same.

Engrossed House bill No. 424—A bill to amend the one hundred and twentieth section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms, in criminal actions in the courts of this State," approved June 17, 1852.

Engrossed House bill No. 473—A bill for the incorporation of companies formed for the purpose of construction of bridges for railway or common roadway purposes or both, over rivers and streams, forming the boundaries of the State of Indiana, or a part thereof.

Engrossed House bill No. 272—A bill to regulate the sale of mineral oils and other substances for illuminating purposes.

And the same are herewith transmitted to the Senate for its action thereon.

Mr. Orr submitted the following report:

MR. PRESIDENT :

The Committee on County and Township Business to whom was referred Senate bill No. 234, entitled, "An act to prevent hogs from running at large," have had the same under consideration and a majority of the committee return it to the Senate with the following amendment: Add to section two the following words:

"Provided, That no person who keep good and sufficient rings in the nose of each and every hog or shoat so running at large shall be liable to the provisions of this act; and when so amended the committee recommend the passage of the bill.

Mr. Fuller moved to indefinitely postpone the bill and report.

Mr. Orr moved to lay the motion on the table.

Messrs. Fuller and Cave demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Bird, Collett; Daggy, Francisco, Glessner, Gregg, Hough, Hubbard, Miller, Neff, Oliver, Orr, Rhodes, Ringo, Scott, Taylor, Wadge and Winterbotham—22.

Those who voted in the negative were, Messrs. Boone, Brown, Bunyan, Carnahan, Cave, Chapman, Dwiggin, Fuller, Friedley (of Scott), Friedley (of Lawrence), Gooding, Hall, Harney, Harworth, O'Brien, Sarnighausen, Slater, Smith, Steele and Williams—20.

So the motion to lay on the table was agreed to.

Mr. Fuller moved to lay the bill and report on the table.

Mr. Rhodes demanded a division of the question.

The question first being on laying the report on the table.

Messrs. Neff and Smith demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Bird, Brown, Carnahan, Cave, Chapman, Daggy, Dwiggins, Fuller, Friedley (of Scott), Friedley (of Lawrence), Gooding, Harney, Hubbard, O'Brien, Smith and Steele—18.

Those who voted in the negative were, Messrs. Beeson, Beggs, Boone, Bunyan, Collett, Francisco, Glessner, Gregg, Hall, Haworth, Hough, Miller, Neff, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Taylor, Thompson, Wadge, Williams and Winterbotham—25.

So the motion to lay the report on the table did not prevail.

The question then being on the motion to lay the bill on the table,

Messrs. Smith and Cave demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Brown, Carnahan, Cave, Daugherty, Dwiggins, Fuller, Friedley (of Scott), Friedley (of Lawrence), Gooding, O'Brien, Smith, Steele and Williams—14.

Those who voted in the negative were, Messrs. Beardsley, Beeson, Beggs, Bird, Boone, Bunyan, Chapman, Collett, Daggy, Francisco, Glessner, Gregg, Hall, Harney, Haworth, Hough, Hubbard, Miller, Neff, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Taylor, Thompson, Wadge and Winterbotham—30.

So the motion to lay the bill on the table did not prevail.

Mr. O'Brien offered the following amendment of the report of the committee:

Provided further, That if said hogs belong to the breed, com-

monly called Elm Peelers, the parties suffering them to run at large shall be required to tie a knot in the tail of each hog to prevent them crawling through fences.

Mr. Glessner moved to lay the amendment on the table.

Mr. Smith moved that the Senate do now adjourn.

Which was not agreed to.

The question recurring on the motion by Mr. Glessner to lay amendment on the table.

Messrs. Gregg and Orr demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Bird, Boone, Bunyan, Chapman, Collett, Daggy, Dwiggin, Francisco, Friedley (of Scott,) Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Hubbard, Miller, Neff, Rhodes, Ringo, Sarnighausen, Scott, Slater, Steele, Taylor, Thompson, Wadge, Williams and Winterbotham—34.

Those who voted in the negative were, Messrs. Brown, Carnahan, Cave, Daugherty, Dittemore, Fuller, Friedley (of Lawrence), O'Brien and Smith—9.

So the motion to lay the amendment on the table prevailed.

Mr. Fuller moved to recommit the bill to the Committee on Rights and Privileges.

Mr. Orr moved to lay the motion on the table.

Messrs. Dittemore and Cave demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Boone, Bunyan, Chapman, Collett, Daggy, Francisco, Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Hubbard, Miller, Neff, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Taylor and Wadge—28.

Those who voted in the negative were, Messrs. Bird, Brown, Carnahan, Cave, Daugherty, Dittemore, Dwiggin, Fuller, Friedley (of Scott), Friedley (of Lawrence), O'Brien, Slater, Smith, Steele, Thompson, Williams and Winterbotham—17.

So the motion to lay the motion to recommit on the table was agreed to.

On motion by Mr. Brown, the Senate took a recess until two o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled at 2 o'clock p. m. •

The question pending on the Senate taking a recess was on concurring in the report of the Committee on Senate bill No. 234.

Which was agreed to.

Mr. Rhodes submitted the following report:

MR. PRESIDENT :

The Committee on Fees and Salaries, to whom was referred Senate bill No. 25—a bill to repeal an act entitled "An act regulating the fees, salaries and duties of certain officers therein named, and prescribing penalties for the violation of its provisions, and to revise all laws repealed thereby, and declaring an emergency."

Senate bill No. 112—a bill to amend section 9, 16, 17, 18, 19, 28, 29, 30, 32, 48, 49, 52, and repealing sections 20, 24, 25, 27, 35, 36, 37, 38 and 53 of an act entitled, "An act regulating the fees, salaries and duties of certain officers therein named, and prescribing penalties for the violation of its provisions, and repealing all laws in conflict therewith, and declaring an emergency."

Senate bill No. 197—an act to increase the salary of the Supreme Judges.

Senate bill No. 181—an act declaring what officers shall be elected by the Senate and House of Representatives, declaring their duties, fixing their compensation, repealing all laws in conflict therewith, and declaring an emergency.

Senate bill No. 265—an act regulating the compensation of county clerks and sheriffs, and repealing all laws inconsistent therewith, and declaring an emergency.

Senate bill No. 178—an act regulating the fees and salaries of certain officers therein named.

Senate bill No. 175—an act regulating the fees of officers and repealing former acts in relation thereto.

Senate bill No. 172—an act regulating the fees of officers, and repealing former acts in relation thereto on the subject of fees and salaries—have had the same under consideration, and as a substitute for all of said bills, have heretofore reported to the Senate bill No. 292. They therefore recommend that said bills be laid on the table.

Which was concurred in.

Mr. Williams offered the following resolution :

WHEREAS, The State Auditor's report for 1872, page 100, shows that about five thousand cases have been disposed of in the Supreme Court, while the docket fees paid into the State Treasury for the last twelve years by the Clerks of the Supreme Court only amount to \$3,164, representing only 791 cases ; Therefore,

Resolved, That the Committee on Finance is hereby instructed to inquire whether the Clerks of the Supreme Court have paid all docket fees by them collected, and to enable them to make a proper investigation the committee have power to send for persons and papers.

Which was adopted.

Mr. Glessner submitted the following report :

MR. PRESIDENT :

The select committee of thirteen, to whom was referred Senate bill No. 138, entitled, "An act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein, abolishing the Courts of Common Pleas," etc., have had the same under consideration, and a majority of the committee have directed me to report the bill to the Senate, with the accompanying amendments, and when so amended recommend its passage.

SEC. 3. The counties of Warrick, Spencer, Perry and Crawford shall constitute the second circuit.

SEC. 4. The counties of Harrison, Washington and Jackson shall constitute the third circuit.

SEC. 5. The counties of Floyd and Clark shall constitute the fourth circuit.

SEC. 6. The counties of Jefferson and Scott shall constitute the fifth circuit.

SEC. 7. The counties of Jennings, Ripley and Switzerland shall constitute the sixth circuit.

SEC. 8. The counties of Dearborn and Ohio shall constitute the seventh circuit.

SEC. 9. The counties of Fayette, Rush and Union shall constitute the eighth circuit.

SEC. 10. The counties of Bartholomew and Brown shall constitute the ninth circuit.

SEC. 14. The counties of Putnam, Clay and Hendricks shall constitute the thirteenth circuit.

SEC. 15. The counties of Vigo and Sullivan shall constitute the fourteenth circuit.

SEC. 16. The counties of Morgan, Owen and Greene shall constitute the fifteenth circuit.

SEC. 18. The county of Wayne shall constitute the seventeenth circuit.

SEC. 21. The counties of Boone and Clinton shall constitute the twentieth circuit.

SEC. 22. The counties of Warren, Vermillion and Fountain shall constitute the twenty-first circuit.

SEC. 23. The counties of Montgomery and Parke shall constitute the twenty-second circuit.

SEC. 25. The counties of Hamilton and Tipton shall constitute the twenty-fourth circuit.

SEC. 27. The counties of Wells, Adams and Huntington shall constitute the twenty-sixth circuit.

SEC. 28. The counties of Whitley and Wabash shall constitute twenty-seventh circuit.

SEC. 29. The counties of Grant, Blackford and Jay shall constitute the twenty-eighth circuit.

SEC. 31. The counties of Benton, Jasper, Newton and Pulaski shall constitute the thirtieth circuit.

SEC. 32. The counties of Lake, Porter and Starke shall constitute the thirty-first circuit.

SEC. 37. The counties of Miami and Howard shall constitute the thirty-sixth circuit.

SEC. 38. The counties of Franklin and Decatur shall constitute the thirty-seventh circuit.

SEC. 39. The county of Allen shall constitute the thirty-eighth circuit.

SEC. 40. The terms of said court in the first circuit shall be held in the county of Vanderburg on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in December in each year; and in the county of Posey, on the Mondays succeeding the county of Vanderburg. The courts in the county of Vanderburg shall continue seven weeks, and in the county of Posey three weeks at each term, if the business thereof requires it.

SEC. 41. The terms of said court in the second circuit shall be held in the county of Warrick on the first Mondays of January, April, July and October of each year; in the county of Spencer on the Monday succeeding the courts in the county of Warrick; in the county of Perry on the Monday succeeding the courts in the county of Spencer; in the county of Crawford on the Monday succeeding the courts in the county of Perry. Such courts in the counties of Warrick, Spencer and Perry shall continue three weeks,

and in Crawford two weeks at each term, if the business thereof requires it.

SEC. 42. The terms of court in the third circuit shall be held in the county of Jackson on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; in the county of Harrison on the Monday succeeding the courts in the county of Jackson; and in the county of Washington on the Mondays succeeding the courts in the county of Harrison. The courts in the county of Jackson shall continue four weeks, and in the counties of Harrison and Washington three weeks at each term, if the business thereof requires it.

SEC. 43. The terms of said court in the fourth circuit shall be held in the county of Floyd on the first Monday of February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; in the county of Clarke on the Mondays succeeding the courts in the county of Floyd. The courts in the county of Floyd shall continue five weeks, and in the county of Clarke five weeks at each term, if the business thereof requires it.

SEC. 44. The terms of said court in the fifth circuit shall be held in the county of Jefferson on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; and in the county of Scott on the Mondays succeeding the courts in the county of Jefferson. The courts in the county of Jefferson shall continue eight weeks, and in the county of Scott two weeks at each term, if the business thereof requires it.

SEC. 45. The terms of said court in the sixth circuit shall be held in the county of Ripley on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November in each year; in the county of Jennings on the Mondays succeeding the courts in the county of Ripley; shall continue four weeks in the county of Jennings, three weeks in the county of Switzerland, three weeks at each term, if the business thereof requires it.

SEC. 46. The terms of said court in the seventh circuit shall

be held in the county of Dearborn on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; and in the county of Ohio on the Mondays succeeding the courts in the county of Dearborn. The courts in the county of Dearborn shall continue eight weeks, and in the county of Ohio two weeks at each term, if the business thereof requires it.

SEC. 47. The terms of said court in the eighth circuit shall be held in the county of Union on the first Monday in February, the fourth Monday of April, the first Monday in September and the third Monday of November of each year. In the county of Rush on the Mondays succeeding the courts in the county of Union, and in the county of Fayette on the Mondays succeeding the courts in the county of Rush; the courts in the county of Union shall continue two weeks, in the county of Rush five weeks, and in the county of Fayette three weeks at each term, if the business thereof requires it.

SEC. 48. The terms of said court in the ninth circuit shall be held in the county of Bartholomew on the first Monday in February, the fourth Monday of April, the first Monday of September, and the third Monday in November, of each year. In the county of Brown on the Mondays succeeding the courts in the county of Bartholomew. The courts in the county of Bartholomew shall continue eight weeks and in the county of Brown two weeks, at each term, if the business thereof requires it.

SEC. 52. The terms of said court, in the thirteenth circuit shall be held in the county of Putnam on the first Monday in February, the fourth Monday in April, the first Monday in September and the third Monday in November of each year. In the county of Clay on the Mondays succeeding the courts in the county of Putnam, and in the county of Hendricks on the Mondays succeeding the courts in the county of Clay; the courts in each of said counties shall continue three weeks, if the business thereof requires it.

SEC. 53. The terms of said court in the fourteenth circuit shall be held in the county of Vigo on the first Monday of February, the fourth in April, first Monday in September, and the third Monday in November of each year. In the county of Sullivan on the Mondays succeeding the courts in the county of Vigo; the courts

in the county of Vigo shall continue eight weeks, and in the county of Sullivan three weeks at each term, if the business thereof requires it.

SEC. 54. The terms of said court in the fifteenth circuit shall be held in the county of Morgan on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year. In the county of Owen on the Mondays succeeding the courts of Morgan and in the county of Greene on the Mondays succeeding the courts of Owen. The courts in the county of Morgan shall continue four weeks, in the county of Owen three weeks, and in the county of Greene three weeks at each term if the business thereof requires it.

SEC. 55. The terms of said courts in the sixteenth circuit shall be held in the county of Johnson, on the first Monday in February, the fourth Monday in April, the first Monday in September and the third Monday in November of each year, and in the county of Shelby on the Mondays succeeding the courts in the county of Johnson; the courts in the county of Johnson shall continue four weeks and in the county of Shelby seven weeks, at each term, if the business thereof requires it.

SEC. 56. The terms of said court in the seventeenth circuit shall be held in the county of Wayne on the first Monday in February, the fourth Monday in April, the first Monday in September and the third Monday in November of each year, and shall continue so long each term as the business thereof requires it.

SEC. 59. The terms of said court in the twentieth circuit shall be held in the county of Boone on the first Monday in February, the fourth Monday in April, the first Monday in September and the third Monday in November of each year, and in the county of Clinton on the Mondays succeeding. The courts in the county of Boone shall continue five weeks, and in the county of Clinton five weeks in each term, if the business thereof requires it.

SEC. 60. The terms of said court in the twenty-first circuit shall be held in the county of Warren on the first Monday in February, the fourth Monday in April, the first Monday in September and the third Monday in November of each year. In the county of Vermillion on the Mondays succeeding the courts in the county

of Warren, and the county of Fountain on the Mondays succeeding the courts in the county of Vermillion. The courts in the county of Warren shall continue three weeks, in the county of Fountain four weeks, and the county of Vermillion three weeks at each term, if the business thereof requires it.

SEC. 61. The terms of said court in the twenty-second circuit shall be held in the county of Montgomery on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; and in the county of Parke on the Mondays succeeding the courts in the county of Montgomery. The courts in the county of Montgomery shall continue five weeks at each term, if the business thereof requires it.

SEC. 63. The terms of the said court of the twenty-fourth circuit shall be held as follows: In the county of Hamilton on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; in the county of Tipton on the Mondays succeeding the courts in the county of Hamilton. The courts in the county of Hamilton shall continue six weeks, in the county of Tipton three weeks at each term, if the business thereof requires it.

SEC. 64. The terms of said court in the 25th circuit shall be held in the county of Henry on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; in the county of Madison on the Mondays succeeding the courts in the county of Henry, and in the county of Hancock on the Mondays succeeding the courts in the county of Madison.

SEC. 65. The terms of said court in the twenty-sixth circuit shall be held in the county of Wells on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November in each year; in the county of Adams on the Mondays succeeding the courts in the county of Wells; and in the county of Huntington on the Mondays succeeding the courts in the county of Adams. The courts in the county of Wells shall continue three weeks, in the county of Adams three weeks, and in the county of Huntington four weeks at each term, if the business thereof requires it.

SEC. 66. The terms of said court in the twenty-seventh circuit shall be held in the county of Whitley on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November in each year; in the county of Wabash on the Mondays succeeding the courts in the county of Whitley. The courts in the county of Whitley shall continue five weeks, in the county of Wabash five weeks at each term, if the business thereof requires it.

SEC. 67. The terms of said court in the twenty-eight circuit shall be held in the county of Grant on the first Monday in February, the fourth Monday in April, the first Monday in September and the third Monday in November of each year. In the county of Blackford on the Mondays succeeding the courts in the county of Blackford. The courts in the county of Grant shall continue four weeks, in the county of Blackford two weeks at each term, if the business thereof requires it.

SEC. 69. The terms of said court in the thirtieth circuit shall be held in the county of Benton on the first Monday in February, the fourth Monday in April, the first Monday in September and the third Monday in November of each year. In the county of Jasper on the Mondays succeeding the courts in the county of Benton. In the county of Newton on the Mondays succeeding the courts in the county of Jasper, and in the county of Pulaski on the Mondays succeeding the courts in the county of Newton. The courts in the counties of Benton and Newton shall continue two weeks and in the counties of Jasper and Pulaski three weeks at each term, if the business thereof requires it.

SEC. 70. The terms of said court in the thirty-first circuit shall be held in the county of Lake on the first Monday in February, the fourth Monday in April, the first Monday in September and the third Monday in November of each year. In the county of Porter on the Mondays succeeding the courts in the county of Lake. In the county of Starke on the Mondays succeeding the courts in the county of Porter. The courts in the county of Lake shall continue three weeks, in the county of Porter three weeks and in the county of Starke two weeks at each term, if the business thereof requires it.

SEC. 75. The terms of said court in the thirty-sixth circuit shall be held in the county of Allen on the first Monday in February, the fourth Monday in April, the first Monday in September and the third Monday in November of each year, so long as the business thereof requires it.

SEC. 76 The terms of said court in the thirty-seventh circuit shall be held in the county of Miami on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; in the county of Howard on the Mondays succeeding the courts in the county of Miami, the courts in each county shall continue five weeks at each term, if the business thereof requires it.

SEC. 77. The terms of said court in the thirty-eighth circuit shall be held in the county of Franklin on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year. In the county of Decatur on the Monday succeeding the courts in the county of Franklin; the courts in each county shall continue five weeks at each term, if the business thereof requires it.

SEC. 86. The present judges of the circuit courts residing in the circuits created by this act, shall be the judges of said court for the circuits herein provided. Change sections in original bill as follows, 74 to 78, 75 to 79, 76 to 80, 77 to 81, 78 to 82, 79 to 83, 80 to 84, 81 to 85, and 82 to 87.

Mr. Williams offered the following amendment:

“The counties of Knox and Gibson shall constitute the twelfth district.”

“The counties of Daviess, Martin, Pike and Dubois shall constitute the eleventh district.”

Mr. Glessner moved that the bill and report with amendments be made a special order for 2:30 o'clock, p. m. on to-morrow.

Which was agreed to.

Mr. Hall submitted the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled bills report that in pursuance of a resolution of the Senate, after presenting said resolution to the Governor, the Governor returned to said committee enrolled act of the House of Representatives No. 71, which is herewith returned to the Senate.

Mr. Gooding moved to reconsider the vote on the passage of Engrossed House bill No. 71.

Which was agreed to.

Mr. Taylor moved to recommit the bill to the Select Committee heretofore appointed, with instructions that they perfect the same and report instant.

Which was agreed to.

Mr. Bird introduced Joint Resolution No. —a Joint Resolution instructing our Senators and requesting our Representatives in Congress to use all proper means to secure the establishment of a district court for northern Indiana at the city of Fort Wayne, also a distributing post office at said city, and obtain an appropriation for the erection of a suitable building for the purposes contemplated by said resolution.

Mr. Bird moved that Senate Joint Resolution No. 11 be referred to the Committee on the Judiciary.

Which was agreed to.

Mr. Steele moved to take up Engrossed House bills on a third reading.

Which was agreed to.

By unanimous consent Mr. Glessner presented a petition from voters and citizens of Bartholomew county on the subject of temperance.

Which was referred to the Committee on Temperance without reading.

By unanimous consent Mr. Sleeth presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance without reading.

By unanimous consent Mr. Slater presented a petition from citizens of the State of Indiana on the subject of Temperance.

Which was referred to the Committee on Temperance without reading.

ENGROSSED HOUSE BILLS ON A THIRD READING.

Engrossed House bill No. 23—a bill defining cruelty to animals, declaring it a misdemeanor, and providing a penalty therefor.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Bird, Boone, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Dittemore, Dwigins, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Hough, Hubbard, Miller, Neff, Orr, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Smith, Steele, Taylor and Wadge—37.

Those who voted in the negative were, Messrs. Fuller, Harney, Haworth, Williams and Winterbotham—5.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed House bill No. 200—a bill to authorize and empower boards of county commissioners to equalize local county bounties to soldiers, to issue bonds or orders therefor, to levy and collect taxes for the redemption of such bonds or orders, declaring how such taxes may be collected, when such bonds or orders shall be issued, the time when they shall be paid, the rate of interest thereon, and legalizing such as have been issued, and declaring an emergency.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Bird, Boone, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Hubbard, Miller, Neff, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Taylor, Thompson, Wadge, Williams and Winterbotham—42.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform [the House of the passage of the bill.

Engrossed House bill No. 188—a bill to amend section 433 of an act entitled “An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,” approved June 18, 1852.

Which was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Dwiggins, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner Gooding, Gregg, Hall, Harney, Haworth, Hough, Hubbard, Miller, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Taylor, Wadge, Williams and Winterbotham—38.

No Senator voting in the negative.

So the bill passed.

The question being shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed House bill No. 6—a bill creating the Indiana Centennial Association.

Which was read a third time.

Mr. Gregg moved to recommit the bill to the Committee on Federal Relations.

Which was agreed to.

Engrossed House bill No. 7—a bill providing that justices of the peace shall have exclusive original jurisdiction in certain cases of misdemeanor, and repealing all acts in conflict with this act.

Which was read a third time.

Mr. Gregg moved to amend the bill by inserting an enacting clause.

Which was not agreed to.

Mr. Williams moved to recommit the bill to the Committee on the Judiciary.

Mr. Bunyan moved to indefinitely postpone the bill.

Messrs. Williams and Gregg demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beggs, Bird, Boone, Brown, Bunyan, Cave, Chapman, Collett, Daggy, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Hall, Harney, Haworth, Hough, Hubbard, Neff, Oliver, Orr, Rhodes, Sarnighausen, Scott, Sleeth, Smith, Steele, Taylor, Thompson and Wadge—36.

Those who voted in the negative were, Messrs. Beeson, Gregg, Miller, Ringo, Slater, Williams and Winterbotham—7.

So the bill was indefinitely postponed.

Engrossed House bill No. 118—a bill making the parties competent witnesses as to certain matters in actions by executors or administrators upon contracts assigned to the decedent.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Bird, Boone, Brown, Bunyan, Cave, Carnahan, Chapman, Collett, Daggy, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Hubbard, Miller, Neff, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Taylor and Wadge—41.

Messrs. Williams and Winterbotham voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed House bill No. 218—a bill to amend section 208 of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a third time.

Mr. Daggy moved to recommit the bill to the Committee on the Judiciary, with instructions to amend by adding "unless the same

cause for change of venue exists in the county to which such change was granted, as existed in the county from which such change was taken."

Mr. Brown moved to lay the motion to recommit on the table.

Messrs. Daggy and Friedley, of Lawrence, demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Bird, Brown, Carnahan, Cave, Dwiggins, Fuller, Francisco, Glessner, Gooding, Gregg, Hall, Harney, Neff, O'Brien, Oliver, Ringo, Scott, Slater, Sleeth and Winterbotham—21.

Those who voted in the negative were Messrs. Beardsley, Beeson, Boone, Bunyan, Chapman, Collett, Friedley (of Scott), Friedley (of Lawrence), Haworth, Hough, Howard, Hubbard, Miller, Orr, Rhodes, Sarnighausen, Smith, Steele, Taylor, Thompson, Wadge and Williams—22.

So the motion to lie on the table did not prevail.

The question recurring on the motion to recommit the bill, with instructions,

Mr. Slater moved that the bill be indefinitely postponed.

Messrs. Slater and Dittemore Demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Bird, Brown, Carnahan, Cave, Chapman, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gregg, Hall, Harney, Hough, Miller, O'Brien, Oliver, Rhodes, Ringo, Sarnighausen, Slater, Steele, Thompson and Winterbotham—29.

Those who voted in the negative were, Messrs. Boone, Bunyan, Collett, Daggy, Friedley (of Scott), Haworth, Hubbard, Neff, Orr, Scott, Smith and Williams—12.

So the motion to indefinitely postpone the bill was agreed to.

Mr. Dwiggins moved to reconsider the vote indefinitely postponing the bill.

Mr. Brown moved to lay the motion on the table.

Messrs. Dwiggins and Hubbard demanded the ayes and noes.

Those who voted in the affirmative were Messrs. Beeson, Beggs, Bird, Brown, Carnahan, Cave, Dittemore, Fuller, Francisco, Glessner, Gregg, Hall, Hough, Oliver, Ringo, Sarnighausen, Slater, Steele, Thompson, Wadge, Williams and Winterbotham—22.

Those who voted in the negative were Messrs. Armstrong, Beardsley, Boone, Bunyan, Chapman, Collett, Daggy, Dwiggins, Friedley (of Scott), Friedley (of Lawrence), Harney, Haworth, Hubbard, Miller, Neff, O'Brien, Orr, Rhodes, Scott, Sleeth and Smith—21.

So the motion to lay the motion to reconsider on the table was agreed to.

Engrossed House bill No. 137—a bill to amend section 103 of an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State.

Which was read a third time.

Mr. Steele moved that the bill do lie on the table.

Messrs. Hough and Neff demanded the ayes and noes.

Which was referred to the Committee on Temperance without reading.

Those who voted in the affirmative were, Messrs. Beardsley, Bunyan, Chapman, Collett, Daggy, Dittemore, Dwiggins, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gregg, Orr, Ringo, Slater, Smith and Steele—17.

Those who voted in the negative were, Messrs. Armstrong, Beeson, Beggs, Bird, Boone, Brown, Carnahan, Cave, Fuller, Hall, Harney, Haworth, Hough, Hubbard, Miller, Neff, O'Brien, Sarnighausen, Scott, Sleeth, Taylor, Thompson, Wadge and Winterbotham—24.

So the motion to lay the bill on the table did not prevail.

Mr. Friedley, of Lawrence, moved to indefinitely postpone the bill.

Mr. Slater demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being on the motion to indefinitely postpone the bill.

Messrs. Sleeth and Slater demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Chapman, Daggy, Dwiggins, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gregg, Orr, Slater, Smith, and Steele—12.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Brown, Carnahan, Cave, Collett, Fuller, Gooding, Hall, Harney, Haworth, Hough, Hubbard, Neff, O'Brien, Oliver, Sarnighausen, Scott, Sleeth, Taylor, Thompson, Wade, Williams and Winterbotham—27.

So the motion to indefinitely postpone the bill did not prevail.

The question being on the passage of Engrossed House bill No. 137.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Brown, Bunyan, Carnahan, Cave, Collett, Fuller, Gooding, Hall, Harney, Haworth, Hough, Hubbard, Miller, Neff, O'Brien, Oliver, Rhodes, Sarnighausen, Scott, Sleeth, Taylor, Thompson, Wade, Williams and Winterbotham—30.

Those who voted in the negative were, Messrs. Chapman, Daggy, Dittemore, Dwiggins, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gregg, Orr, Slater, Smith and Steele—13.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Hall submitted the following report:

MR. PRESIDENT :

The Joint Committee on Enrolled bills report that they have compared Enrolled House bill No. 56, entitled, "An act authorizing the appropriation of money out of the State Treasury for the use of the Indiana University located at Bloomington, Monroe county," with the engrossed copy and find the same correctly enrolled.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills, to-wit:

Engrossed House bill No. 275—a bill to provide for the acquisition and enjoyment by the United States of lands within this State for public purposes.

Engrossed House bill No. 344—a bill in relation to the terms of the Circuit Court and Court of Common Pleas of Gibson county.

Engrossed House bill No. 356—a bill for an act concerning cemeteries.

Engrossed House bill No. 465—a bill fixing the time of holding courts in the tenth judicial circuit, continuing in force certain provisions of law in reference thereto, and prescribing the length of terms in the several counties thereof.

And the same are herewith transmitted to the Senate for its action thereon.

I am also directed by the Speaker of the House to inform the Senate that he has signed the following enrolled act of the House of Representatives:

Enrolled act No. 56—an act authorizing the appropriation of money out of the State Treasury for the use of the Indiana University, located at Bloomington, Monroe county. And the same is herewith submitted to the Senate for the signature of the President thereof.

The President announced that he had signed enrolled act of the House No. 56.

On motion by Mr. Neff, the Senate adjourned.

LEONIDAS SEXTON,
President of the Senate.

WEDNESDAY MORNING.

FEBRUARY 19, 1873, 10 o'clock.

Senate met.

Pending the reading of the Journal of yesterday, on motion by Mr. Steele, the further reading thereof was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Beeson presented several petitions from various citizens relative to the temperance law.

Which was referred to the Committee on Temperance without reading.

Mr. Daugherty presented a petition from the citizens of Wells county, on the subject of temperance.

Which was referred to the Committee on Temperance without reading.

Mr. Howard presented a petition from the citizens of Steuben county, relative to the temperance law.

Which was referred to the Committee on Temperance without reading.

Mr. Steele presented a petition from various citizens of Wabash county, Indiana, relative to the temperance law.

Which was referred to the Committee on Temperance without reading.

REPORTS FROM STANDING COMMITTEES.

Mr. Steele submitted the following report:

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 302, being "An act to make general indexes of deeds and mortgages evidence in certain cases," have had the same under consideration, and have directed me to report the following amendment, viz.:

Strike out the word "prima facie," in line twelve, page one.

Also further amend by adding the following, at the close of section one: "And shall be considered by the court or jury trying the cause, and shall have such weight as the court or jury may deem it entitled to."

And when the bill is so amended, the committee recommend its passage.

Which was concurred in.

Mr. Boone submitted the following report:

MR. PRESIDENT:

The committee to whom was referred Senate bill No. 191—a bill to enable securities to be released from an appeal bond, have had the same under consideration, and have authorized me to report the same back to the Senate, with the following amendments:

In the twenty-first line, section one, after the word "thereon," insert the words "after the new bond be given." Also strike out section two.

When so amended, they recommend that it do pass.

Which was concurred in.

Mr. Beeson submitted the following report:

MR. PRESIDENT :

The Committee on Temperance to whom was referred House bill No 327—an act to regulate the sale of intoxicating liquors, to provide against evils resulting from any sale thereof, to furnish remedies for damages suffered by any person in consequence of such sale, prescribing penalties to repeal all laws contravening the provisions of this act, and declaring an emergency, have had the same under consideration and a majority of said committee direct

me to report the same back to the Senate without amendment and recommend its passage.

Mr. Beeson moved to make the report a special order for 10:30 o'clock a. m. this day.

Which was agreed to.

Mr. Daggy submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary to whom was referred Senate bill No. 290—to suspend the operations and provisions of an act approved May 13, 1869, being an act to establish a female prison and reformatory institution for girls and women, to provide for the organization and government thereof, and making appropriations, and also to provide for occupancy and using the buildings, grounds and property of said institution for an additional asylum for the insane, the transfer of insane persons, the management and government thereof, and making suitable appropriations, have had the same under consideration and have directed me to return the same with the recommendation that the same be referred to a select committee of five, to consist of Senators Thompson, Dittemore, Boone, Harney and Taylor, for the purpose of investigating and reporting upon the propriety of passing said bill after an examination of said buildings, the ground upon which the same is situated, as also the title thereto, the nature and extent of contracts for the furnishing of the same, changes if any necessary, and all other matters pertaining thereto, and if expedient to adopt said bill, then to report the same back with such amendments as may be necessary.

Which was concurred in.

Mr. Thompson presented a petition from 1,330 citizens of the county of Marion, State of Indiana, relative to the temperance law.

Which was read and referred to the Committee on Temperance.

Mr. Ringo presented a petition from various citizens of Sullivan county, Indiana, relative to the temperance law.

Which was referred to the Committee on Temperance without reading.

The President laid before the Senate a communication from the Secretary of State transmitting a memorial from the National Board of Trade of the United States.

Which communication and memorial was referred to the Committee on Finance.

Mr. Rhodes presented a petition from attorneys and members of the bar of Fountain county, Indiana, in relation to the abolishing of the common pleas court.

Which was laid on the table.

Mr. Winterbotham introduced Senate bill No. 325—a bill for an act to authorize the Governor of the State to exchange with Peter Donnally certain lands therein described.

Which was read a first time and referred to Committee on Prisons.

Mr. Beeson introduced Senate bill No. 326—an act to authorize cities and towns which have negotiated and sold bonds to procure means with which to erect and complete unfinished school buildings, and to pay debts for the erection of such buildings, to issue other bonds and exchange such new bonds for those previously issued and passed due, and providing for the payment of the principle and interest of such bonds, and declaring an emergency.

Which was read a first time and referred to the Committee on Corporations.

Mr. Smith introduced the following bill:

Senate bill No. 327—a bill to limit the time of bringing an action at law or equity upon a judgment obtained in any other State of the United States.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Daugherty introduced Senate bill No. 320—an act to authorize railroad companies to change their terminus in certain cases

Which was read a first time and referred to the Committee on Railroads.

Mr. Carnahan introduced Senate bill No. 329—a bill to amend the title of an act entitled “An act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, wire and rope dancing, puppet show and legerdegmain,” approved June 15, 1852.

Which was read a first time.

Mr. Dwiggins submitted the following report :

MR. PRESIDENT :

The Committee on Railroads, to which was referred Senate bill No. 309, entitled “An act declaratory of the true intent and meaning of an act entitled ‘An act supplemental to an act to authorize aid to the construction of railroads, by counties and townships taking stock in and making donations to railroad companies,’” approved May 12, 1869, have directed me to report that they have considered said bill, and recommend that the amendment to the first section hereof, herewith submitted, be adopted.

Amendments to Senate bill No. 309, proposed by the Committee on Railroads: Amend the first section of the act by striking out all after the enacting clause, and inserting the following, viz: That the provisions of the said supplemental act, approved January 30, 1873, and entitled “An act supplemental to an act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies,” approved May 12, 1869, shall not embrace or apply to any railroad company whose line of road does not pass through more than two counties of this State, and where the following matters or things all transpired or took place prior to the passage of said supplemental act, viz: Where proceedings were had before the proper Board of Commissioners, to authorize a vote to be taken, and the prayer of the petition was granted and a vote taken in pursuance of the provisions of said act of May 12, 1869, and a special tax or one instrumental thereof, was levied in pursuance of such vote, where money had been expended in procuring the right of way, and where the construction of the whole line of such

railroad within this State had been let or contracted for, and work had been commenced in the construction of said road, and is being prosecuted in good faith, but in all such cases the tax so authorized by such proceedings and vote shall be levied, collected and applied as if the said supplemental act, approved January 30, 1873, had never been passed; and when so amended the committee recommend that the bill do pass.

Mr. Scott moved to amend the report by striking out the words "two counties."

Mr. Daugherty moved to amend the amendment by striking out the words "two counties" and insert "all roads running east and west."

Mr. Smith moved to lay the amendment to the amendment on the table.

Which was agreed to.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following bills, to-wit:

Engrossed House bill No. 504—a bill supplementary and amendatory of an act entitled, "An act to provide a uniform assessment of property and for the collection and return of taxes thereon," approved December 21, 1872.

House bill No. 430—a bill to amend section five of an act entitled, "An act to authorize the boards doing county business to declare water-courses navigable."

House bill No. 447—a bill to amend section one of an act entitled "An act in relation to the change of public highways."

House bill No. 362—a bill to amend section three of an act entitled "An act to provide compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad company in this State," approved March 1, 1853.

Engrossed House bill No 446—a bill to repeal section fifty-five of an act entitled “An act to amend an act to authorize and regulate the business of general banking,” approved March 3, 1855.

And the same are herewith submitted to the Senate for its action thereon.

Mr. Collett submitted the following report :

MR. PRESIDENT :

The Committee on Enrolled Bills would respectfully report that they have this day presented to the Governor for signature the following enrolled act, to-wit :

Enrolled act No. 56 of the House entitled “An act authorizing the appropriation of money out of the State Treasury for the use of the Indiana University, located at Bloomington, Monroe county.”

SPECIAL ORDER.

The hour of 10:30 o'clock a. m. having arrived, being the hour fixed for the consideration of the report of the committee on engrossed House bill No. 327,

The same was taken up.

Mr. Friedley, of Lawrence moved to recommit the bill to the Committee on the Judiciary, with instructions to report it back on Friday next.

Mr. Dittemore moved that the Senate do now adjourn.

Which was not agreed to.

Mr. O'Brien asked and obtained leave of absence indefinitely.

Mr. Slater demanded the previous question, which was not seconded by the Senate.

Mr. Hall moved to lay the motion to refer the bill to the Committee on the Judiciary on the table.

Messrs. Neff and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bunyan, Chapman, Daggy, Daugherty, Dwiggins, Fuller, Friedley (of Scott), Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Scott, Steele and Taylor—26.

Those who voted in the negative were, Messrs. Beggs, Bird, Boone, Bowman, Brown, Carnahan, Cave, Collett, Dittemore, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Sarnighausen, Slater, Sleeth, Smith, Stroud, Thompson, Williams and Winterbotham—22.

So the motion to lay on the table was agreed to.

Mr. Brown moved that the Senate do now adjourn.

Which was not agreed to.

The question recurring on concurring in the report of the committee.

Messrs. Slater and Daugherty demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Brown, Bunyan, Chapman, Daggy, Daugherty, Dwiggins, Friedley (of Scott), Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Scott, Sleeth, Steele and Taylor—27.

Those who voted in the negative were, Messrs. Beggs, Bird, Boone, Bowman, Carnahan, Cave, Collett, Dittemore, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Sarnighausen, Slater, Smith, Stroud, Thompson, Williams and Winterbotham—21.

So the report of the committee was concurred in.

Mr. Wadge was granted leave of absence indefinitely.

Mr. Brown moved to make engrossed House bill No. 327 a special order for two o'clock this afternoon.

Which was agreed to.

On motion by Mr. Daggy, the Senate took a recess until two o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled at 2 o'clock p. m.

Mr. Hall submitted the following report:

MR. PRESIDENT:

The Committee on Enrolled Bills report that they have compared engrossed Senate bill No. 187—a bill to amend section one of an act entitled “An act to amend section three of an act entitled ‘An act for the regulation of weights and measures,’ ” approved January 9, 1852, approved February 28, 1855, approved March 7, 1863.

Engrossed Senate bill No. 193—a bill authorizing the construction of plank, Macadamized and gravel roads.

Engrossed Senate bill No. 143—an act to restrain all persons from having or employing persons under the age of twenty-one years, to make or vend, by the wholesale or retail, any spirituous or intoxicating liquors, and prescribing penalties therefor and declaring an emergency.

Engrossed Senate bill No. 35—an act to amend section seventeen and twenty-nine of an act entitled “An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,” approved March 14, 1867, and find them correctly enrolled.

Mr. Thompson submitted the following report:

MR. PRESIDENT:

The Committee on Phraseology, Enrollment and Engrossed Bills have had engrossed Senate bill No. 218—a bill to encourage the destruction of foxes.

Engrossed Senate bill No. 203—an act authorizing the appointment of resident trustees to receive and manage trust funds held in other States, and belonging to persons residing in this State.

Engrossed Senate bill No. 213—a bill to amend section sixteen of an act entitled “An act concerning real property and the alienation thereof,” approved May 6, 1852.

Engrossed Senate bill No. 173—an act to authorize school trustees of incorporated towns and cities to sell certain school property within their limits, and providing for the disposition of the proceeds.

Engrossed Senate bill No. 204—a bill to amend the fifteenth section of an act entitled, “An act prescribing the manner of compelling officers to give new bonds and additional sureties,” approved May 31, 1852.

Engrossed Senate bill No. 156—an act to authorize cities constructing water works to issue bonds and to dispose of the same in aid of the construction of such water works under consideration and have compared the same, and find them correctly engrossed.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following Engrossed bills, to-wit :

House bill No. 453—a bill to legalize the incorporation of the town of Kentland, in Newton county, Indiana, and the official acts of the several boards of trustees of said town, etc.

House bill No. 456—a bill to amend the charter of the town of Clinton, granting the board of trustees of said town certain powers and legalizing certain acts of said president and trustees of said town.

House bill No. 495—a bill to amend section one of an act entitled, “An act to amend sections 9, 10, 18, 19, 23, 24 and 33 of an act entitled, ‘An act to incorporate the town of Vernon, Jennings county.’ ”

Senate Joint Resolution No. 8—a Joint Resolution in relation to the cancellation of certain bonds of the State therein named.

I am also directed to inform the Senate that the House has concurred in the amendments of the Senate to the following House bills, to-wit:

House bill No. 187—a bill to amend section 108 of an act entitled “an act to revise, simplify and abridge the rules, practice, pleadings, and forms in criminal actions in the courts of this State.”

House bill No. 188—a bill to amend section 433 of an act entitled, “An act to revise, simplify and abridge, the rules, practice, pleadings and forms in civil cases in the courts of this State, etc.

All of which is respectfully submitted to the Senate for his action thereon.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Committee on Phraseology, Engrossment, etc., of bills, have compared the following Engrossed Senate bills:

Engrossed Senate bill No. 217—a bill to authorize satisfaction of mortgages in certain cases.

Engrossed Senate bill No. 223—a bill to legalize certain acts of notaries public.

Engrossed Senate bill 301—a bill providing for the incorporation of companies formed for the purpose of constructing bridges for railway or common roadway purposes, or both, over rivers and streams forming the boundaries of the State of Indiana or a part thereof.

Engrossed Senate bill No. 188—a bill to enable and empower executors and administrators of the estates of deceased persons to enforce partition of the real estate of such decedents in certain cases, and declaring any emergency.

Engrossed Senate bill No. 202—a bill to amend sections seven and nine of an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and

regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed; and that they find the same correctly engrossed.

Mr. Brown presented a petition on the subject of temperance.

Which was referred to the Committee on Temperance without reading.

SPECIAL ORDER.

The hour of 2 o'clock p. m. having arrived, it being the hour fixed for the consideration of Engrossed House bill No. 327, the same was taken up.

Engrossed House bill No. 327—a bill to regulate the sale of intoxicating liquors, to provide against evils resulting from any sale thereof, to furnish remedies for damages suffered by any person in consequence of such sale, prescribing penalties, repealing all laws contravening the provisions of this act, and declaring an emergency.

Which was read a second time.

Mr. Fuller offered the following amendment:

“Provided, that the provisions of this bill shall not apply to the sale of wine, beer, and cider.”

Mr. Steele moved to lay the amendment on the table.

Messrs. Fuller and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardale, Beeson, Bunyan, Chapman, Daggy, Daugherty, Dwiggin, Friedley (of Scott), Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Scott, Steele and Taylor—25.

Those who voted in the negative were, Messrs. Beggs, Bird, Boone, Bowman, Brown, Carnahan, Cave, Collett, Dittemore, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Sarnighausen, Slater, Smith, Stroud, Thompson, Williams and Winterbotham—22.

So the amendment was laid on the table.

Mr. Brown moved to amend the bill by inserting the word "knowingly" before the word "sell," in the sixth section; and also by inserting the word "knowingly" before the word "buy" in the seventeenth section.

Mr. Hough moved to lay the amendment on the table.

Messrs. Dittemore and Slater demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bunyan, Chapman, Daggy, Daugherty, Dwiggins, Friedley (of Scott), Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Scott, Steele and Taylor—25.

Those who voted in the negative were, Messrs. Beggs, Bird, Boone, Bowman, Brown, Carnahan, Cave, Collett, Dittemore, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Sarnighausen, Slater, Stroud, Thompson, Williams and Winterbotham—21.

So the amendment was laid on the table.

Mr. Gregg offered the following amendment: "Amend the bill by striking out the emergency clause."

Mr. Dwiggins moved to lay the amendment on the table.

Messrs. Slater and Gregg demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bunyan, Chapman, Collett, Daggy, Daugherty, Dwiggins, Friedley (of Scott), Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Scott, Steele and Taylor—26.

Those who voted in the negative were, Messrs. Beggs, Bird, Boone, Bowman, Brown, Carnahan, Cave, Dittemore, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Sarnighausen, Slater, Stroud, Thompson, Williams and Winterbotham—20.

So the amendment was laid on the table.

Mr. Boone offered the following amendment: Strike out of section nine all after the word "dollars."

Mr. Hubbard moved to lay the amendment on the table.

Messrs. Gregg and Slater demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bunyan, Chapman, Collett, Daggy, Daugherty, Dwiggins, Friedley (of Scott), Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Scott, Steele and Taylor—26.

Those who voted in the negative were, Messrs. Beggs, Bird, Boone, Bowman, Brown, Carnahan, Cave, Dittemore, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Sarnighausen, Slater, Stroud, Thompson, Williams and Winterbotham—20.

So the amendment was laid on the table.

Mr. Friedley, of Lawrence, offered the following amendment: Amend by striking out the word "gain" in section one of the bill.

Mr. Steele moved to lay the amendment on the table.

Messrs. Dittemore and Slater demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bunyan, Chapman, Collett, Daggy, Daugherty, Dwiggins, Friedley (of Scott), Gooding, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Scott, Sleeth and Taylor—27.

Those who voted in the negative were, Messrs. Beggs, Bird, Boone, Bowman, Brown, Carnahan, Cave, Dittemore, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gregg, Sarnighausen, Slater, Stroud, Thompson, Williams and Winterbotham—19.

So the amendment was laid on the table.

Mr. Brown offered the following amendment: "Amend by striking out the eighteenth section."

Mr. Steele moved to lay amendment on the table.

Messrs. Friedley, of Lawrence, and Slater demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bunyan, Chapman, Collett, Daggy, Daugherty, Dwiggins, Friedley (of Scott), Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Scott, Steele and Taylor—26.

Those who voted in the negative were, Messrs. Beggs, Bird, Boone, Bowman, Brown, Carnahan, Cave, Dittemore, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Sarnighausen, Slater, Smith, Stroud, Thompson, Williams and Winterbotham—21.

So the amendment was laid on the table.

Mr. Winterbotham offered the following amendment: "Amend so as to prohibit the employment of minors in all places where intoxicating liquors are manufactured or sold."

Mr. Dwiggins moved to lay the amendments on the table.

Messrs. Slater and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bunyan, Chapman, Daggy, Daugherty, Dwiggins, Friedley (of Scott), Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Scott, Steele and Taylor—25.

Those who voted in the negative were, Messrs. Beggs, Bird, Boone, Bowman, Brown, Carnahan, Cave, Collett, Dittemore, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Sarnighausen, Slater, Smith, Stroud, Thompson, Williams and Winterbotham—22.

So the amendment was laid on the table.

Mr. Hall moved that the bill be ordered to a third reading on to-morrow, and on that motion demanded the previous question.

Messrs. Slater and Brown demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong Beardsley, Beeson, Bunyan, Chapman, Daggy, Daugherty, Dwiggins, Friedley, (of Scott,) Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Scott, Steele and Taylor—25.

Those who voted in the negative were, Messrs. Beggs, Bird, Boone, Bowman, Brown, Carnahan, Cave, Collett, Dittemore, Fuller, Francisco, Friedley (of Lawrence,) Glessner, Gooding, Gregg, Sarnighausen, Slater, Smith, Stroud, Thompson, Williams and Winterbotham—22.

So the demand for the previous question was seconded by the Senate.

The question then being, shall the main question be now put?

It was so ordered.

The question then being, shall the bill be ordered to a third reading to-morrow.

Which was agreed to.

Mr. Hall moved that the Senate take a recess of ten minutes.

Which was agreed to.

The Senate re-assembled.

Mr. Brown moved that the Senate do now adjourn.

Which was agreed to.

LEONIDAS SEXTON,
President of the Senate.

THURSDAY MORNING.**FEBRUARY 20, 1873, 10 o'clock.**

Senate met.

Pending the reading of the journal of yesterday, on motion by Mr. Glessner, the further reading thereof was dispensed with.

The hour of 9:30 having arrived and pending the adjournment of yesterday, Senate bill No. 238 was taken up.

On motion by Mr. Williams the regular order of business was suspended and Senate bill No. 294 was taken up.

Senate bill No. 294—a bill to amend an act entitled "An act to provide for the assessment of property and for the collection and return of taxes thereon," approved December 21, 1872.

Which was read a second time.

Mr. Slater offered the following amendment, amend by adding the following:

SECTION 8. Every insurance company not organized under the laws of this State, and doing business therein, shall in the months of January and July of each year, report to the Auditor of State under oath of the President and Secretary, the gross amount of all receipts received in the State of Indiana on account of Insurance premiums for the six months last preceding, ending on the last days of December and June of each year, and shall at the time of such report pay into the Treasury of the State the sum of three dollars on every one hundred dollars of such receipts, less losses actually paid within the State.

SEC. 9. Any such Insurance Company failing or refusing for more than thirty days to render an accurate account of its premium receipts, as in the preceding section provided, and pay the required tax thereon, shall forfeit one hundred dollars for each additional day such report and payment shall be delayed to be re-

covered in the name of the State of Indiana on the relation of the Auditor of State, in any court of competent jurisdiction.

Which was adopted.

Mr Dwiggin offered the following amendment. Amend section 195 of the act of December 21, 1872, by striking out the word "thirty," in line four of said section, and insert in lieu thereof "fifty."

Mr. Steele moved to amend the amendment by striking out the word "fifty," and insert "thirty-five" cents.

Mr. Slater moved to lay the amendment to the amendment on the table.

Which was agreed to.

Mr. Steele offered the following amendment to the amendment:

Amend by inserting "that the printing of the delinquent list of each county be let to the lowest responsible bidder, but in no case to be let at a greater rate than fifty cents for each description.

Mr. Slater moved to lay the amendment to the amendment on the table.

Messrs. Hall and Orr demanded the ayes and noes

Those who voted in the affirmative were, Messrs. Beggs, Bird, Daugherty, Dittemore, Dwiggin, Francisco, Friedley (of Lawrence), Glessner, Harney, Howard, Neff, Oliver, Sarnighausen, Slater, Sleeth, Stroud, Thompson, Wadge and Winterbotham—19.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Collett, Daggy, Fuller, Friedley (of Scott), Gooding, Hall, Haworth, Hough, Hubbard, Miller, Orr, Rhodes, Ringo, Scott, Smith, Steele, Taylor and Williams—27.

So the motion to lay on the table was not agreed to.

The question being on the adoption of the amendment to the amendment.

Messrs. Daugherty and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Bunyan, Carnahan, Cave, Collett, Daggy, Dittemore, Friedley (of Scott), Gooding, Haworth, Hough, Hubbard, Miller, O'Brien, Orr, Rhodes, Scott, Smith, Steele, Taylor and Williams—26.

Those who voted in the negative were, Messrs. Beggs, Brown, Chapman, Daugherty, Dwiggin, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gregg, Hall, Harney, Howard, Neff, Oliver, Ringo, Sarnighausen, Slater, Sleeth, Stroud, Thompson, Wadge and Winterbotham—23.

So the amendment to the amendment was adopted.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled acts, to-wit:

Enrolled act No. 188, H. R.—an act to amend section 433 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State," etc.

Enrolled act No. 137—an act to amend section 103 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal cases," etc.

Enrolled act No. 118, H. R.—an act making the parties competent witnesses as to certain matters in action by executors or administrators, upon contracts assigned to the decedent.

And the same are herewith submitted to the Senate for the signature of the President thereof.

By unanimous consent, Mr. Wadge offered the following resolution:

WHEREAS, It was announced at a public meeting in this city,

held on Sunday last, that money was being used to influence Senators in their votes on the bill for the suppression of intemperance, and that the sum of two hundred and fifty thousand dollars had been already raised for that purpose; and,

WHEREAS, It is due to the dignity of this body, or to such of its members as may vote against this bill from conscientious motives; therefore, be it

Resolved, That a committee of five be appointed to investigate the matter, with instructions to send for persons and papers at their discretion, and to report to the Senate at the earliest possible moment.

Mr. Daggy moved to lay the resolution on the table.

Messrs. Smith and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Brown, Bunyan, Chapman, Daggy, Daugherty, Dwiggins, Friedley (of Scott), Harney, Haworth, Hough, Howard, Miller, Neff, O'Brien, Oliver, Orr, Ringo, Scott and Steele—22.

Those who voted in the negative were, Messrs. Beggs, Bird, Boone, Bowman, Carnahan, Cave, Collett, Dittemore, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Hubbard, Rhodes, Sarnighausen, Slater, Sleeth, Smith, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—27.

So the motion to lay the resolution on the table did not prevail.

The question being on the adoption of the resolution.

Mr. Brown moved that the resolution be made a special order for 10:30 o'clock a. m. on to-morrow.

Mr. Wadge moved to lay the motion on the table.

Messrs. Wadge and Slater demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beggs, Bird, Bowman, Carnahan, Cave, Collett, Dittemore, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Rhodes, Sar-

nighausen, Scott, Slater, Smith, Stroud, Thompson, Wadge, Williams and Winterbotham—23.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Brown, Bunyan, Chapman, Daggy, Daugherty, Dwiggin, Friedley (of Scott), Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Ringo, Sleeth, Steele and Taylor—26.

So the motion to lay on the table did not prevail.

The question recurring on the motion by Mr. Brown to make the resolution a special order for 10:30 o'clock on to-morrow.

Which was agreed to.

Mr. Beeson moved to suspend the order of business and take up Engrossed House bill No. 327.

Messrs. Slater and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bunyan, Chapman, Collett, Daggy, Daugherty, Dwiggin, Friedley (of Scott), Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Scott, Sleeth, Steele and Taylor—28.

Those who voted in the negative were, Messrs. Beggs, Bird, Bowman, Brown, Carnahan, Cave, Dittemore, Fuller, Francisco, Friedley (of Lawrence) Glessner, Gooding, Gregg, Sarnighausen, Slater, Smith, Stroud, Thompson, Wadge, Williams and Winterbotham—21.

So the order of business was suspended and Engrossed House bill No. 327 taken up.

Mr. Slater moved that the Senate do now adjourn.

Which was not agreed to.

Mr. Boone moved to recommit the bill to the Committee on Temperance with the following instructions to amend the same:

In section one, after the word "liquors" insert the words "except

for sacramental, medicinal or mechanical purposes," and all fermented liquors, wine and cider.

In section two strike out the words "is in proper form and that it."

In section six strike out all after the word "intoxicated" including the words "or to persons who," etc.

Strike out all of section eight.

Strike out of Section nine all of said section after the word "dollars."

Strike out all of section twelve after the word "person," beginning with the words "and any person or persons renting," etc.

Strike out all of section thirteen.

Strike out all of section fourteen after the word "days," beginning with the words "for every violation of the provisions," etc.

Strike out all of the eighteenth section.

Strike out all of the fifteenth section.

Mr. Hall demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

Messrs. Brown and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bunyan, Chapman, Collett, Daggy, Daugherty, Dwiggins, Friedley (of Scott), Hall Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Scott, Sleeth, Steele and Taylor—27.

Those who voted in the negative were, Messrs. Beggs, Bird, Boone, Bowman, Brown, Carnahan, Cave, Dittemore, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Sarnighausen, Slater, Smith, Stroud, Thompson, Wadge, Williams and Winterbotham—22.

So the main question was ordered.

The question recurring on the motion to recommit the bill with instructions.

Messrs. Friedley, of Lawrence, and Slater, demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beggs, Bird, Boone, Bowman, Brown, Carnahan, Cave, Collett, Dittamore Fuller, Francisco, Friedley (of Lawrence,) Glessner, Gooding, Gregg, Sarnighausen, Slater, Sleeth, Smith, Stroud, Thompson, Wadge, Williams and Winterbotham—24.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Beeson, Bunyan, Chapman, Daggy, Daugherty, Dwiggins, Friedley (of Scott,) Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Scott, Steele and Taylor—25.

So the motion to recommit the bill with instructions was not agreed to.

Mr. Dwiggins moved that the bill be now read a third time, and upon that motion demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

Engrossed House bill No. 327—a bill to regulate the sale of intoxicating liquors, to provide against evils resulting from any sale thereof, to furnish remedies for damages suffered by any person in consequence of such sale, prescribing penalties, repealing all laws contravening the provisions of this act, and declaring an emergency.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Brown, Bunyan, Chapman, Collett, Daggy, Daugherty, Dwiggins, Friedley (of Scott,) Friedley (of Lawrence) Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Orr, Rhodes, Ringo, Scott, Sleeth, Steele and Taylor—30.

Those who voted in the negative were, Messrs. Beggs, Bird, Bowman, Carnahan, Cave, Dittamore, Fuller, Francisco, Glessner,

Gooding, Gregg, Sarnighausen, Slater, Smith, Stroud, Thompson, Wadge, Williams and Winterbotham—19.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Dwiggin moved that the vote on the passage of Engrossed House bill No. 327 be reconsidered and to lay that motion on the table.

On motion of Mr. Brown, the Senate took a recess until 3 o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled, 3 o'clock.

The question pending when the Senate took a recess, was the motion by Mr. Dwiggin to reconsider the vote on the passage of Engrossed House bill No. 327, and to lay that motion on the table.

Messrs. Slater and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bunyan, Chapman, Collett, Daggy, Daugherty, Dwiggin, Friedley (of Scott,) Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Orr, Rhodes, Ringo, Scott, Steele, Taylor and Wadge—27.

Those who voted in the negative were, Messrs. Beggs, Bird, Bowman, Brown, Carnahan, Cave, Dittemore, Fuller, Francisco, Friedley (of Lawrence,) Glessner, Gooding, Gregg, Sarnighausen, Slater, Sleeth Smith, Stroud, Thompson, Williams and Winterbotham—21.

So the motion to reconsider the vote on the passage of engrossed House bill No. 327, was laid on the table.

Mr. Friedley, of Scott, offered the following resolution :

WHEREAS, There are now on deposit, in the office of the State Librarian, a large number of volumes of the reports of the Adjutant General of the State of Indiana, and in their present condition are entirely worthless ; therefore, be it

Resolved by the Senate, (the House of Representatives concurring therein,) That the State Librarian is hereby authorized to distribute said reports, one set to each member and employee of this General Assembly.

Mr. Dittemore offered the following amendment: Amend by sending one set each to the county clerk of each county, to be placed in the county library.

Mr. Rhodes moved to lay the amendment on the table.

Which was agreed to.

Mr. Sleeth offered the following amendment to the concurrent resolution: Amend so as to send one set to each college in the State, also one to the Normal School; but he shall reserve for the use of the State not less than one hundred sets.

Mr. Dittemore offered the following amendment to the amendment: Strike out one hundred sets, to be deposited with the Librarian, and insert twenty-five sets.

Mr. Williams moved to refer the resolution and amendments to the Committee on County and Township Business.

Which was agreed to.

Messrs. Francisco and Orr asked and obtained leave of absence indefinitely.

Mr. Orr presented the claim of Charles L. Lambert, for labor as page in regular session of 1871.

Which was referred to the Committee on Claims without reading.

Mr. Orr presented the claim of A. K. Rockenfield for services in the Burson and Klein case.

Which was referred to the Committee on Claims without reading.

The question pending on taking up engrossed House bill No. 327, was the consideration of Senate bill No. 294, the same was taken up.

Mr. Glessner offered the following amendment: The publication of the delinquent list shall be, by the auditor and treasurer of each county, let out to the lowest responsible bidder: *Provided*, that no bid shall be accepted which exceeds fifty cents for each description or tract of land published.

Mr. Fuller moved to lay all the amendments on the table.

Which was agreed to.

Mr. Williams moved to suspend the constitutional rule requiring bills to be read on three several days, and read the bill a third time now, and put upon its passage.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Beggs, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Dwiggin, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Gooding, Gregg, Hall, Harney, Haworth, Howard, Hubbard, Miller, Neff, Oliver, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Thompson, Wadge, Williams and Winterbotham—40.

Mr. Hough voting in the negative.

So the constitutional rule was suspended, and Senate bill No. 294—a bill to amend an act entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," was read a third time.

The question being, shall the bill pass?

By unanimous consent, Mr. Williams offered the following amendment:

SECTION 10. An emergency is hereby declared to exist for the immediate taking effect of this act, and the same shall therefore take effect, and be in force from and after its passage.

Which was adopted.

Mr. Hough moved to recommit the bill with instructions to amend section five by striking out all between the word "taxation," in line 12, and the word "indebtedness," in line twenty and inserting in lieu thereof, the word "not." Amend further by striking out the word "be," in line twenty-four.

Mr. Bunyan moved to lay the motion by Mr. Hough on the table.

Which was agreed to.

Mr. Gooding moved to reconsider the vote on the motion to read the bill a third time and put it upon its passage.

Which was agreed to.

Mr. Gooding moved to recommit the bill to the Committee on the Judiciary without instructions.

Which was agreed to.

Mr. Friedley, of Lawrence, presented a claim of O. M. Wilson, (late Secretary of Indiana Senate) amounting to \$150.

Which was referred to the Committee on Claims, together with the following resolution:

Resolved, That O. M. Wilson, be allowed the sum of one hundred and fifty dollars, for labor in preparing Calender of Senate bills and Joint Resolutions introduced and pending in the Senate upon the adjournment at the regular session March 8, 1869, also of House bills and Joint Resolutions received and pending in the Senate at adjournment March 8, 1869, and that the President of the Senate be and he is hereby directed to draw a warrant in favor of said Wilson upon the Auditor of State for said amount, the same to be paid out of the money appropriated for Legislative purposes.

Senate bill No. 215 was, on motion, taken up and referred to the Committee on Railroads.

Senate bill No. 292 was taken up and referred to the Committee on Fees and Salaries.

On motion by Mr. Gooding Senate bill No. 238 was taken up.

The question recurring on concurring in the report of the committee.

It was concurred in.

Mr. Friedley, of Lawrence, moved to suspend the constitutional rule requiring bills to be read on three several days and read the bill a second time now by title only.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Beggs, Boone, Bowman, Brown, Carnahan, Cave, Chapman, Collett, Daggy, Dwiggins, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Harney, Harworth, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Smith, Stroud, Thompson, Wadge and Williams—35.

Messrs. Bird, Bunyan, Steele, Taylor and Winterbotham voting in the negative—5.

So the constitutional rule was suspended.

Senate bill No. 238—a bill for an act to divide the State into circuits for judicial purposes; fixing the time of holding courts therein, abolishing the Courts of Common Pleas and transferring the business thereof to the Circuit Courts, and providing for the election of Judges and Prosecuting Attorneys in certain cases.

Which was read a second time by title.

Mr. Williams offered the following amendment :

The counties of Knox and Gibson shall constitute the twelfth district. The counties of Daviess, Martin, Pike and Dubois shall constitute the eleventh district.

Mr. Cave moved to lay the amendment on the table.

Messrs. Williams and Cave demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Bowman, Brown, Carnahan, Cave, Dwiggins, Fuller, Francisco, Friedley (of Scott), Glessner, Gooding, Gregg, Hubbard, Miller, Oliver, Slater, Stroud, Thompson and Wadge—22.

Those who voted in the negative were, Messrs. Bird, Boone, Chapman, Collett, Daggy, Hall, Harney, Haworth, Hough, Howard, Neff, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Smith, Steele, Taylor, Williams and Winterbotham—21.

So the amendment was laid on the table.

Mr. Smith offered the following amendment:

Amend section thirty-four by striking out "Marshall" and "Kosciusko" and insert "Miami."

Amend section seventy by striking out "Marshall" and "Kosciusko" whenever it occurs in said section and insert "Miami."

Also strike out all of section seventy which refers to the time of holding court in "Kosciusko" and apply the time to "Miami."

Amend further by creating a new circuit consisting of the counties of Marshall and Kosciusko, and fix the time for holding court therein.

Mr. Smith moved to refer the bill to the Committee on the Judiciary.

Mr. Fuller moved to amend by referring the bill to a committee of the whole Senate and make it a special order for 10 o'clock a. m. on to-morrow.

Which was not agreed to.

The question recurring on the motion by Mr. Smith to refer to the Committee on the Judiciary.

Which was not agreed to.

Mr. Steele moved to make the bill a special order for Thursday next for 10 o'clock a. m.

Which was not agreed to.

The question being on the adoption of the amendment offered by Mr. Smith.

On motion by Mr. Dwiggins the Senate adjourned.

LEONIDAS SEXTON,
President of the Senate.

FRIDAY MORNING.

FEBRUARY 21, 1873, 10 O'CLOCK.

Senate met.

Pending the reading of the Journal of yesterday, on motion by Mr. Steele, the further reading thereof was dispensed with.

Message from the Governor by Samuel R. Downey, his Private Secretary:

MR. PRESIDENT:

By direction of the Governor, I have the honor to respectfully inform the Senate that His Excellency has approved and signed enrolled act No. 2, entitled, "An act to authorize and regulate the incorporation of banks of discount and deposits in the State of Indiana."

Also, enrolled act No. 23, entitled, "An act to authorize the county commissioners of the several counties of this State to appropriate money to aid in putting or keeping in repair any canal running in, through, or along any such county."

Also, enrolled act No. 62, entitled, "An act to amend the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth sections of an act entitled an act to incorporate the town of Bluffton," approved February 12, 1851, and also to repeal section eleven of said act.

Also, enrolled act No. 29, entitled, "An act to provide for the enlargement of the State House grounds."

Also, Joint Resolution No. 4, entitled, "A joint resolution authorizing the sale of certain personal property therein named."

And that he has caused the same to be deposited in the office of the Secretary of State.

Mr. Taylor moved to take up engrossed House bill No. 189.

Which was agreed to.

Engrossed House bill No. 189—a bill to place directors and other officers of Macadmized and gravel road companies organized under the laws of this State, whenever they may have become creditors of such companies, on equal terms with other creditors, in any and all suits, for the collection of money due them, and to repeal all laws in conflict herewith.

Which was read a first time and referred to the Committee on Corporations.

The President announced that he had signed enrolled act of the House No. 137, enrolled act of the House No. 188, and enrolled act of the House No. 118.

Mr. Hall offered the following resolution :

Resolved, That all resolutions and motions adopted by the Senate, relative to House bill No. 71, since the passage of said bill by the Senate are hereby declared inoperative and void.

Which was adopted.

Mr. Gooding moved to take up engrossed House bill No. 301.

Which was agreed to.

Engrossed House bill No. 301—a bill providing for the incorporation of companies formed for the purpose of constructing bridges for railway or common roadway purposes, or both, over rivers and streams forming the boundaries of the State of Indiana or part thereof.

Which was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carna-

han, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Scott), Glessner, Gooding, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Smith, Steele, Stroud, Taylor, Thompson and Wadge—40.

Messrs. Gregg, Rosebrugh, Sleeth and Winterbotham voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

SPECIAL ORDER.

The hour of 10:30 o'clock having arrived, being the hour fixed for the consideration of the resolution, providing for the appointment of a committee to investigate the charge that money had been raised to influence the passage of engrossed House bill No. 327, the same was taken up.

Mr. Dittemore moved that the consideration of the resolution be postponed until 10 o'clock a. m. on Tuesday next.

Messrs. Smith and Wadge demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Bunyan, Carnahan and Daggy—5.

Those who voted in the negative were, Messrs. Armstrong, Bird, Boone, Bowman, Brown, Cave, Chapman, Collett, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Scott,) Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—40.

So the motion to postpone did not prevail.

S. J.—40

The question being on the adoption of the resolution,

It was adopted.

The President announced as the Committee Messrs. Wadge, Hubbard, Neff, and Dittemore.

Mr. Gooding moved to make Senate bill No. 238, a special order for 2 o'clock p. m. this day.

Mr. Steele moved to amend by making the bill a special order for Tuesday next, at 10 o'clock, a. m.

Mr. Glessner moved to lay the amendment on the table.

Messrs. Steele and Hough demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Brown, Carnahan, Cave, Chapman, Dittemore, Dwiggin, Francisco, Friedley (of Scott,) Glessner, Gooding, Gregg, Harney, Haworth, Howard, Hubbard, Neff, Oliver, Rosebrugh, Sarnighausen, Thompson, Wadge and Williams—25.

Those who voted in the negative were, Messrs. Bird, Boone, Bowman, Bunyan, Collett, Daggy, Daugherty, Fuller, Hall, Hough, Miller, Rhodes, Scott, Sleeth, Smith, Steele, Stroud, Taylor and Winterbotham—19.

So the motion lay on the table was agreed to.

The question recurring on the motion to make the bill a special order for 2 o'clock this day p. m.

Mr. Collett moved to lay the motion and the bill on the table.

Messrs. Gooding and Hubbard demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Bird, Boone, Bunyan, Collett, Daugherty, Hall, Harney, Hough, Oliver, Rhodes, Scott, Sleeth, Smith, Steele, Taylor and Winterbotham—16.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Beeson, Bowman, Brown, Carnahan, Cave, Chapman, Daggy, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott,) Glessner, Gooding, Gregg, Haworth, Howard, Hubbard, Miller

Neff, Ringo, Rosebrugh, Sarnighausen, Stroud, Wadge and Williams—28.

So the motion to lay on the table did not prevail.

The question recurring on the motion by Mr. Gooding, to make the bill a special order for 2 o'clock p. m. this day.

Which was agreed to.

Mr. Dwiggins submitted the following report :

MR. PRESIDENT :

The Committee on Railroads, to whom was referred Senate bill No. 317—an act to amend an act entitled "An act to enable railroads to alter their lines in certain cases," approved December 20, 1865, have had the same under consideration and have directed me to report the same back with a recommendation that it pass.

Which was concurred in.

Mr. Dwiggins submitted the following report:

MR. PRESIDENT :

The Committee on Railroads to whom was referred Senate bill No. 281, being "An act authorizing railroad companies to abandon any part of their line of road and take up and remove the iron and fixtures from the portion of the line abandoned, to refund donations made for the construction of the part abandoned, and providing for the disposition of the right of way of the part abandoned, together with damages for such abandonment, have had the same under consideration and have directed me to report the same back with a recommendation that it pass.

Mr. Steele moved to lay the report and bill on the table.

Messrs. Daugherty and Gregg demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Bird, Bowman, Bunyan, Carnahan, Cave, Daugherty, Fuller, Francisco, Glessner, Gregg, Hall, Harney, Haworth, Howard, Hubbard, Miller, Neff, Oliver, Ringo, Rosebrugh, Sarnighausen, Steele, Stroud, Thompson and Winterbotham—25.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Boone, Chapman, Collett, Daggy, Dwiggin, Friedley (of Scott,) Gooding, Hough, Rhodes, Scott, Smith, Taylor, Wadge, and Williams—16.

So the motion to lay on the table was agreed to.

Message from the House by Mr. Nixon, Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following bills, to-wit :

House bill No. 493—a bill to amend section eight of an act entitled "An act to provide for a more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859, and the same is herewith submitted to the Senate for its action thereon.

Senate bill No. 94—a bill concerning the application of certain fines, penalties and forfeitures collected in the enforcement of certain city ordinances in cities having therein incorporated houses for friendless women, and the same is herewith returned to the Senate.

Mr. Collett made the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled Bills would respectfully report that they have examined and compared Enrolled Senate Joint Resolution No. 8—a joint resolution in relation to the cancellation of certain bonds of the State therein named, and find it correctly enrolled.

Mr. Collett submitted the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his signature enrolled acts of the House Nos. 118, 188 and 137.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills report that they have compared engrossed Senate bill No. 200, entitled, "An act to authorize and empower boards of county commissioners to equalize local county bounties," etc.

Mr. Dwiggins submitted the following report:

MR. PRESIDENT:

The Committee on Railroads, to whom was referred Senate bill No. 215, being, "An act providing for the leasing of railroads and authorizing one railroad company to aid another railroad company," have had the same under consideration and have directed me to report the same back to the Senate with the following amendments. Amend the bill by adding the following sections thereto:

SECTION 2. All contracts heretofore made in good faith between railroad companies organized under the law of the State acting by their respective board of directors, whereby a railroad company shall have leased its railroad or any part of it to another railroad company for the transportation of freight and passengers thereon, or shall have granted the right to such last named company to use such railroad to run its trains upon in common with the trains of the company owning the road, however, that any railroad company using a railroad of another railroad company as above named shall be liable for all damages resulting to third parties from such use in the same manner and to the same extent as though such last named company was the owner of such railroad upon which its trains causing the damages were run.

SEC. 3. An emergency exists for the immediate taking effect of this act, the same shall therefore take effect and be in full force from and after its passage.

And when the bill is so amended the committee recommend its passage.

Which was concurred in.

Mr. Brown submitted the following report :

MR. PRESIDENT :

The Committee on Railroads to whom was referred Senate bill No. 316, entitled, "An act to extend the time for the completion of certain railroads and to legalize the acts of the board of their directors," have had the same under consideration and herewith return the bill and recommend its passage.

Which was concurred in.

Mr. Steele submitted the following report :

MR. PRESIDENT :

The committee to whom was referred Senate bill No. 322—a bill to amend section 587 of an act entitled, "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the State, to abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852, have had the same under consideration and report the same back to the Senate with the recommendation that it lay on the table.

Which was concurred in.

Mr. Steele submitted the following report :

MR. PRESIDENT :

The committee to whom was referred Senate bill No. 312—a bill to fix the salary of the Governor's Private Secretary, have had the same under consideration, and have instructed me to report the same back with the recommendation that the bill do pass.

Which was concurred in.

Mr. Steele submitted the following report :

MR. PRESIDENT :

The committee to whom was referred Joint Resolution No. 11, instructing our Senators and requesting our Representatives in

Congress to use all proper means to secure the establishment of a District Court for Northern Indiana, at the city of Fort Wayne, also a distributing post office at said city, have had the same under consideration and report the same back to the Senate with the recommendation that it lay on the table.

Which was not concurred in.

Mr. Bird moved to recommit to a select committee of five with instructions to make it a concurrent resolution.

Which was agreed to.

The President announced as such committee, Messrs. Bird, Beardsley, Dwiggins, Smith and Bunyan.

Mr. Beardsley submitted the following report:

MR. PRESIDENT:

Your Committee on Public Printing have had under consideration Senate bill No. 245, which was heretofore recommitted to it with instructions to report a bill to let the public printing to the lowest bidder, respectfully report that they have had the same under consideration and report the same back to the Senate, and recommend the adoption of the amendments herewith submitted.

Amend in section two, line nine, by striking out the word "three," and inserting instead thereof the word "four."

Amend in section two, line eleven, by inserting after the word "Indianapolis," the words "one in the city of Cincinnati and one in the city of Chicago."

Amend in section two, line eleven by striking out the word "two," after the word "least," and inserting instead thereof the word "four."

Amend in section four by inserting after line seven the following: "All lithographing, such as maps, charts, views of college, or public edifices, ground plans," etc.

Amend by inserting after the word "type," in line five, section five, the words "and each page of brier not to measure more than twenty-six hundred ems plain matter."

Amend by inserting after the word "signature," in line six, section seven, the words "except the usual charge for press work."

Amend by adding after the word "bidder," in line seven, section ten, the words, *Provided, however*, that said Commissioners shall have the right to reject any and all bids, and, *Provided*, also that if all bids are rejected, it shall be competent for the commissioners to make a contract on personal negotiation, if such contract can be made on better terms than the lowest and responsible bid.

Amend by striking out section sixteen.

Amend by striking out the word "Supervisor," wherever the same occurs and inserting therefor the word "Superintendent."

Amend by striking out the word "September," in line seven, section two, and inserting the word "October."

: Amend by striking out in section three, line nineteen, the words, "Auditor, Secretary and Treasurer of State," and inserting instead thereof the words, "administrative, legislative, and judicial departments." Also amend by striking out the word "department," in line nineteen, section three.

Amend by inserting after the word "person," in line two, section eight, the words "to have charge of the bureau of public printing in the office of Secretary of State."

Amend by adding to section eight, the following: "The Commissioners may discharge such Superintendent and employ another at pleasure," and that the bill after being so amended do pass.

Mr. Beardsley moved to make the report a special order for 10:30 o'clock on to-morrow.

Which was agreed to.

Mr. Daggy submitted the following report:

MR. PRESIDENT:

The Committee to whom was referred Senate bill No. 300—a bill for an act authorizing the boards of county commissioners of any county to make an allowance of money for the benefit of any organized draining companies, their officers or sureties, and prescribing under what circumstances such allowance may be made, and declaring an emergency, have had the same under consideration, and request me to report the same back to the Senate and recommend that it do pass, after filling up the blank in lines one and two on page two with the following: "The Lye Creek

Draining Association of the county of Montgomery, in said State."

Which was concurred in.

Mr. Carnahan made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 278—a bill to amend section 53 of the act for the incorporation of cities, have had the same under consideration, and recommend the following amendment :

Strike out all after the enacting clause, and insert the following :
That section fifty-three of an act entitled " An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, and prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867, be and the same is hereby amended to read as follows, to-wit :

SECTION 53. They shall have the management and control of the finances of the city and of all property real and personal belonging thereto, and shall have the additional power herein permitted, and may make and publish by-laws and ordinances necessary to enforce the same. The common council shall have the power to enforce ordinances.

First. To regulate or prohibit the use of hand organs or instruments of any annoying character, or other music of itinerant performers in the streets, lanes, alleys, or public places of the city.

Second. To fill up or drain any lot or parcel of ground within such city, or within two miles thereof, whenever water has or may become so stagnant and noxious as to be, in the opinion of such council, a nuisance and injurious to the health or comfort of such city or any part thereof, at the expense of the owner thereof, under such reasonable regulations as the common council shall prescribe. *Provided, however,* That not to exceed ten per cent. of the value of such lot or land, as the same is valued and assessed upon the tax duplicate for city purposes, shall be expended in filling up or draining the same in any one year.

Third. To prevent or regulate the use of firearms, fireworks, or other things or practice tending to endanger persons or property.

Fourth. To direct the location of tallow chandleries, soap factories, and other buildings or structures, and to prohibit the erection of such buildings, or the continuance of noxious trades or business therein, whenever the health or welfare of the city shall require the same, and for that purpose shall have jurisdiction two miles in every direction from the city limits.

Fifth. To establish cemeteries or burial places within or without such city, and to provide for the sanctity of the dead, and to prohibit interments except in cemeteries heretofore established by law.

Sixth. To establish quarantine regulations.

Seventh. To preserve peace and good order, prevent vice and immorality, and quell riots and disorderly assemblages.

Eighth. To establish and regulate the police of the city; and may, in their discretion, authorize the mayor, or a board of police, to be selected by the common council, to make all appointments of officers and members of such police, and give such mayor or board of police full power to remove from office any officer or member of such police for neglect of duty, or for other good cause.

Ninth. To suppress gaming and gaming houses, and houses of ill fame; to prohibit and destroy instruments and devices of gaming, and restrain fraudulent practice within the said city.

Tenth. To compel the occupants of any building or out-house, situate upon any real estate in such city, that is filthy or unwholesome, to abate or cleanse the same, and to clean the streets and alleys adjoining such property.

Eleventh. To direct the location of markets or slaughter houses, or powder magazines, and to regulate the same; and for that purpose shall have jurisdiction for two miles in all directions from the city limits.

Twelfth. To regulate the use of coaches, hacks, drays, and other vehicles for the transportation of passengers, freight, or other articles, to or from points within the city, for hire or pay.

Thirteenth. To regulate and license all inns, taverns, or other places used or kept for public entertainments; also all shops or other places kept for the sale of articles to be used in and upon the premises.

Fourteenth. To regulate and restrain all tables, alleys, machines, devices, or places of any kind for sports or games, kept for hire or pay; or to prohibit the use of the same as aforesaid, if deemed expedient, without a license being first obtained therefor; and if deemed necessary to preserve peace, good order and morality, to prohibit the use of the same as aforesaid, by the infliction of such penalties as this act will permit, to be provided for by ordinance.

Fifteenth. To regulate and restrain all theatrical and other exhibitions and public shows for which money is demanded or received, and if deemed expedient to prohibit the same without a license having been first obtained therefor.

Sixteenth. It is expressly provided that lectures on scientific, historic, benevolent or literary subjects, and the apparatus for the elucidation of the same, and specimens of fine arts shall not be deemed within the provisions of this act.

Seventeenth. To prevent immoderate riding or driving, and cause the person guilty of the same to be stopped thereat by any officer of said city.

Eighteenth. To prevent the incumbering of streets, squares, sidewalks and crossings with vehicles, or any other substance or materials whatever interfering with the free use of the same.

Nineteenth. To regulate the time and place of bathing in the rivers or public waters of said city.

Twentieth. To restrain and punish vagrants, mendicants, street beggars, common prostitutes and their associates.

Twenty-First. To regulate and provide the running at large of cattle, horses, swine, fowls and other animals, and to provide for the impounding, keeping, sale and redemption of the same when found in violation of the ordinance in such case provided.

Twenty-second. To prevent the deposit of any unwholesome

substance within the city limits, and punish persons guilty of the same, and to remove or destroy putrid, animal or vegetable matter, the common council shall have the right to collect the expense of removing any such unwholesome substance, putrid animal or vegetable matter, from the person found guilty of a violation of the provisions of the ordinance of such city in relation thereto, with ten per cent. damages thereon, and costs of suit therein; if the person occupying the premises fail to do so, upon notice given, the common council shall have the power to remove such putrid, animal or vegetable matter.

Twenty-third. To regulate the ringing of bells and crying of goods, and to restrain Hawking and peddling.

Twenty-fourth. To remove or confine persons having infectious or pestilential diseases.

Twenty-fifth. To regulate the keeping of bills of mortality, and to provide penalties for the neglect of any person in violation of the same.

Twenty-sixth. To construct and establish works for furnishing the city with wholesome water, and for the purpose of drainage of such city, may go beyond the city limits and condemn lands and materials, and exercise full jurisdiction and all necessary power therefor, or the common council may authorize any incorporated company or association to contract such works, and in such case the city may become part stockholders in any such company or association.

Twenty-seventh. To establish and regulate public pounds.

Twenty-eighth. To construct and establish gas works, or to regulate the establishment thereof by individuals or companies, or to regulate the lighting of streets, public grounds and buildings, and to provide by ordinances what part, if any, of the expense of lighting any street or alley, shall be paid by the owners of lots fronting thereon, and in what manner the same shall be assessed and collected, and to make the same a lien upon real estate.

Twenty-ninth. To regulate the management of all public property, markets and market places, and sales of meats, fish and vege-

tables; to prevent, by ordinance, the offense of regrating and fore-stalling; to appoint market masters and invest them with power to make arrests for the violation of city ordinances in their view, and to make councilmen, and all other city officers, conservators of the peace within such city, with power to arrest in like manner.

Thirtieth. To regulate and protect fire engines, hose, hook and ladders.

Thirty-first. To regulate the selling, weighing and measuring of hay, wood and coal, and other articles.

Thirty-second. To organize a board of public improvements, and empower such board to grant permits to build houses or additions thereto, and prevent the erection of wooden buildings in such parts of the city as the common council may determine; to condemn any building or structure liable to fall and endanger life and property, and provide for the removal and taking down of the same; to take from all persons to whom such permit is granted, or with whom the city shall contract for any improvement, liable to endanger persons or property, a bond with sufficient sureties, conditioned that the owners or contractors shall pay all damages that may be sustained by any person or persons by reason of any carelessness or negligence in the manner of making such improvement and property, from injuries thereby.

Thirty-third. To erect and establish market houses and market places, engine houses, houses of refuge, pest houses and hospitals.

Thirty-fourth. To establish and contract wharves, docks, piers and basins, and to regulate landing places, and fix the rates of landing, wharfage and dockage on all public grounds belonging to such city. All claims for landing, wharfage and dockage accruing to said city shall be a lien on the boat, vessel or water craft contracting the same, and after a demand made by the wharf master upon the owner or master, clerk, or consignee thereof, and refusal of payment, may be enforced by attachment before the mayor of said city where the amount does not exceed one hundred dollars, in the same manner and to the same extent that liens on boat or water craft, are now in force under the general laws of this State; and all the proceedings shall be conformable as far as practicable. And the common council shall have power to compel property

owners, owning any lots or parts of lots, or lands bordering on any navigable stream, basin or harbor, made by natural or artificial means, to build and construct sea walls for the protection of the banks thereof in such manner as the common council by ordinance shall prescribe; *Provided*, Such navigable water, harbor or basin shall have been improved and used therefor, and for landing further up or beyond. And it is deemed necessary to protect the banks of said stream, harbor or basin along any such lot or part of a lot by sea walls or otherwise. And upon the failure of such property owners to make such sea walls as shall be prescribed by such common council the common council are hereby empowered to cause such sea walls to be built by contract, let to the lowest bidder, and the cost of constructing the same shall be a lien upon the property bordering upon such harbors, navigable streams or basins, or deemed benefitted by such improvement, and the lien of the city shall be enforced in the same manner as provided now by law for the enforcement of liens for the improvement of streets and sidewalks; *Provided*, That thirty days notice of the improvement to be made, and the manner thereof shall be given to resident property owners by notice, served by the city marshal, and by publication in the corporation newspaper four weeks to non-resident property owners; *Provided*, That the owners of property affected shall have the same remedies by injunction and appeal that is now given by section seventy-one of the said act hereby amended. *And provided further*, That four weeks notice by publication in the corporation newspaper shall be given by the common council of their intention to pass such ordinance.

Thirty-fifth. To establish a board of health, and to invest it with the necessary powers to attain its objects.

Thirty-sixth. To establish stands for hackney coaches, cabs and omnibuses, to enforce the observance and use thereof, and fix the rate and prices for the transportation of persons and property from one part of the city to another.

Thirty-seventh. To regulate or prohibit runners at wharves, steamboat landings and railroad depots and stations and other places.

Thirty-eighth. To regulate the sale of all kinds of property at

auction in the streets, stores, shops or elsewhere in the city, and to license auctioneers and require them to pay a reasonable per cent. on the amount of sales.

Thirty-ninth. To regulate the speed of horses, carriages, locomotives, and other vehicles in the city.

Fortieth. To regulate all bridges, culverts, sewers, canal or draw bridges and the location thereof, and to maintain, regulate and collect tolls on any plank road heretofore built and abandoned by the owners in any such city.

Forty-first. To regulate the building of partition walls and partition fences within the limits of said city, and to prescribe by ordinance in what proportion the adjoining owners shall bear the expenses of the same and in what manner such expenses shall be levied and collected, and define the terms upon which partition walls and fences already constructed may be used by adjoining owners.

Forty-second. To regulate the speed of railroad trains through the city, and also to provide by ordinance for the security of citizens and others from the running of trains through the city, and to require railroad corporations to observe the same, and also to require such corporations to keep clear the gutters and crossing of streets along which their railway may pass.

Forty-third. To construct and regulate sewers, drains and cisterns and provide for the payment of the cost of constructing the same, to cause the same to be done by contract, given to the lowest bidder, after advertising to receive proposals therefor, to provide for the estimate of the cost thereof and the assessment of the same, upon the owners of such lots and lands as may be benefitted thereby in such equitable proportion as the common council may deem just; which estimate shall be a lien upon such lots and lands, and may be enforced by the sale of the same in such manner as the common council may provide.

Provided, however, That not to exceed ten per cent. of the value of such lot or lands as the same is valued and assessed upon the tax duplicate, for State and county or city taxes, shall be assessed against such lots or lands in any one year.

Forty-fourth. To erect a prison within the limits of such city; and it shall be lawful to imprison therein persons convicted of offenses against the laws of such incorporation, or for offenses against the penal laws of this State, and also persons charged with offenses punishable by indictment, or presentment temporarily until they can conveniently be removed to the county jails, so far as the same shall be applicable. The laws governing county jails shall be the laws of such city prison, and in all cases where the county jails are convenient, may be used for city purposes until a city prison shall be erected.

Forty-fifth. To purchase, hold or convey real estate for the purpose of constructing public buildings thereon, or using the same for public parks or other public purposes, and if designed for a public park, cemeteries, water works, or fairs, such real estate may be purchased and held by the city, although lying without the limits of the corporation; and such city may by ordinance provide for the protection thereof, and for the manner in which; and the persons by whom the same may be used and occupied, and any conveyance heretofore made of real estate by any such city for any of the purposes aforesaid lying without the limits of such city, is hereby legalized and confirmed.

Forty-sixth. To regulate the planting, maintaining and protection of shade trees along the streets and in public grounds, and to compel the owners of lots bordering on any street, or part thereof, to plant, maintain and protect such trees, and on failure so to do, to cause the same to be done, and the expense thereof shall be a lien on such property and collected in the same manner as street improvements.

Forty-seventh. The common council of any city may, upon the petition of a majority of the legal voters of such city, sell any public square or public landing of such city, or any part thereof, and convey the same by deed under the hand of the mayor and seal of such city; and any moneys arising from any such sale shall be deposited in the treasury of such city to be expended in the purchase of another public square or public landing, and for the improvement of the same.

Forty-eighth. To compel the city school trustee or trustees to make a report to the common council.

Forty-ninth. To exempt an amount of real property owned by any resident householder of such city not exceeding three hundred dollars in value, from sale for street improvements.

Fiftieth. To punish contempts and contemptuous and disorderly demeanor in the council room.

Fifty-first. To provide on what terms real estate in such city may be drained by means of surface or under drains over and across other real estate therein.

Whereas, an emergency exists for the immediate taking effect of this act, the same is hereby declared to be in force from and after its passage.

And after so amended, your committee recommend the passage of the bill.

Which was concurred in.

Mr. Sleeth moved to reconsider the vote making Senate bill No. 245 a special order for 10 o'clock a. m. on to-morrow.

Which was agreed to.

Mr. Sleeth moved to amend by making the bill a special order for 10:30 o'clock a. m. on Tuesday next.

Which was agreed to.

The question recurring on the motion as amended,

It was agreed to.

On motion by Mr. Sleeth, the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled, 2 o'clock.

Mr. Gooding submitted the following report:

S. J.—41

MR. PRESIDENT :

The Committee on Federal Relations, to whom was referred engrossed House bill No. 6—entitled “A bill creating the Indiana Centennial Association,” have had the same under consideration and have directed me to report the same back with the recommendation that section 6 be amended by striking out after the word “association,” the words “except that the printing of circulars and documents necessary to the work for which it is created, may be included in the State printing,” and that the words “two thousand dollars” be struck out and “one thousand” inserted instead thereof, and that when so amended, the bill pass.

Which was concurred in.

Mr. Daggy moved that when the Senate adjourn, it adjourn until 2 o'clock p. m. on monday next.

Which was agreed to.

Mr. Gregg submitted the following report:

MR. PRESIDENT :

The Committee to whom was referred Senate bill No. 3 — a bill to limit the time of bringing an action at law or equity upon a judgment obtained in any other state of the United States, have had the same under consideration and request me to report the same back to the Senate with the recommendation that the bill do pass.

Which was concurred in.

Mr. Steele presented a petition from various members of the bar of Grant county, Indiana, asking the abolition of the court of common pleas.

Which was referred without reading.

Mr. Rhodes submitted the following report:

MR. PRESIDENT :

The Committee on Fees and Salaries to whom was referred Senate bill No. 292, entitled, “An act regulating the fees of officers

and providing penalties for its violation, repealing certain acts therein named and declaring an emergency," have had the same under consideration and report the same back, and recommend the following amendments :

At the close of line three, page twelve, stike out the figures 25 and insert 50.

Amend at the close of line seven on the same page by striking out the figures 10 and inserting 5.

At close of line six, page fourteen strike out the figures 10 and inserting 15.

At close of line one, page fifteen, strike out 10 and insert 15.

At close of line eight, page fifteen, strike out figures \$1.00 and insert \$2.00.

At close of line six, page sixteen, strike out \$1.00 and insert \$1.50.

Insert the following immediately after the close of line four on page eighteen: For entering each cause on the several dockets of of the court including all bar dockets for the first term such cause is in court .30. For each term after the first .20.

For docketing each cause on the judgment and execution dockets .15.

Clerks shall tax in each civil cause to the losing party as a part of the costs of the case, and to be collected as the other costs be paid into the county treasury, a docket fee of \$2.

Amend by inserting after the close of line four, page eighteen, the following :

For issuing and recording declaration of naturalization of any person desiring naturalization, \$1.

For issuing certificate of naturalization and affidavit of objection of allegiance, etc., \$1.

Clerks shall be allowed per day during each term of court when actually present and attending court, for their services, \$2.

At close of line six, page twenty-one, strike \$1 and insert \$2.

Insert the following after the close of line nine, on page twenty-four: In estates of \$500 and under, taken by the widow, no costs or fees shall be taxed or collected.

Strike out the word "four," in line six, page twenty-five and insert the word "five" in lieu thereof; also strike out the word five

in line seven on page twenty-five, and strike out all of the 9th, 10th and 11th lines on page 25, and lines 1, 2, and 3, and the word "dollars" at the first of line four on page twenty-six, and in lieu thereof, insert the following :

Four per cent. on the next five thousand dollars, three per cent. on the next five thousand dollars, two per cent. on the next five thousand dollars, and on all sums thereafter, one per centum.

After the word "funds," and before the word "they," in line one, page twenty-seven insert the following: And funds arising from the sale of county bonds.

Strike out the word "four," in line eleven, page twenty-eight and insert in lieu thereof the word "three."

Amend by striking out the words "and assessors returns," in line three, page twenty-nine, and insert before the word "receipt" in said line three, the word "and," at the close of line four, on page twenty-nine and before line five, on same page, insert the following: For filing and preserving assessors blanks to include all statements made by the person assessed, .03.

Strike out at the close of line seven, page thirty-five, the figures .05, and insert in lieu thereof the figures .25.

Insert the following at close of line two, page thirty-seven: At the June session of the board of county commissioners for the year 1873, they may make such reasonable allowance to the county auditors, in addition to the compensation provided by this act for making plats of congressional townships for the use of county assessors, as may, in their opinion, be just and proper; and for footing tax duplicates and delinquent records; making settlement sheets for Auditor of State and Superintendent of Public Instruction, and the annual statement of the receipts and expenditures of the county. Such board may make such allowance, to be paid out of the county treasury, not to exceed ——— dollars, for the year ending on the 31st of July of such year, as they may deem just and right.

Provided, That before such allowance is made the Auditor shall make out an itemized statement of the amount claimed for such service, and file the same with such board.

After line five and before line six on page forty-five, insert the following:

For each day after the first, in making inventory and appraisal of property taken under writ of attachment, \$2.50.

Insert the following at the close of line two on page fifty:

For each day while in actual attendance on court there shall be allowed by the court and paid out of the county treasury to the sheriff, \$3.00.

In all cases where the sheriff shall perform any service for the county, required by law to be performed by him, and there is no provision for its payment, the board of county commissioners shall allow and pay to such sheriff the same compensation as is allowed by law for similar services.

Insert after the word "auditor," in line seven page fifty-one, and before the word "except," the words "executors, administrators, guardians, trustees and assignees."

Insert after the close of line eleven, page fifty-one, the following:

And when such printing is done for the board of county commissioners, they shall allow the same and pay it out of the county treasury according to the rates herein fixed.

Strike out the words "sheriff's sale," in line five, page fifty-two.

Strike out the figures 75, at the close of line eight, page fifty-two, and insert in lieu thereof the figures \$1.00.

Strike out section twelve, page fifty-nine, and in lieu thereof insert the following:

SECTION 12. In cases where recorders, clerks, auditors or other public officers have recorded any deed, mortgage or other instrument in a printed record or book, the same and all such cases are hereby legalized, and county recorders are prohibited from using such printed forms for record books, in which to record any instrument after such printed records as may now be on hand belonging to the county, are filled.

Strike out the words "to be taxed with the costs," in lines seven

and eight, page seventy-one, and insert in lieu thereof the following: To be paid out of the county treasury.

Amend by inserting at the close of section twenty-seven, and as a part of said section, on page eighty, the following:

Provided, however, That no allowance shall be made to both the sheriff and bailiff for services in attending court covering the same period of time.

Amend by adding the following at the close of section twenty-eight, page eighty-one, "nor for any extra service as such officer, nor for deputy hire."

On motion, the report was made a special order for Wednesday next at 10 o'clock a. m.

Message from the House, by Mr. Nixon, Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled act, to-wit:

Enrolled act No. 200, H. R.—an act to authorize and empower boards of county commissioners to equalize local county bounty to soldiers, to issue bonds or orders therefor, to levy and collect taxes for the redemption of such bonds or orders, declaring how such taxes may be collected, when such bonds and orders shall be issued, the time when they shall be paid, the rate of interest thereon, and legalizing such as have been issued, and declaring an emergency; and the same is herewith submitted to the Senate for the signature of the President thereof.

I am directed by the House of Representatives to inform the Senate that the House has passed the following joint resolution, to-wit:

House Joint Resolution No. 20—a joint resolution authorizing the Governor to pay out of the contingent fund certain moneys for the purposes therein named.

And the same is herewith submitted to the Senate for its action thereon.

Mr. Friedley, of Lawrence, asked and obtained leave of absence indefinitely.

Mr. Gooding demanded a call of the Senate, when the following Senators answered to their names:

Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Collett, Daggy, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott), Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Steele, Stroud, Wadge, Williams and Winterbotham—40.

Mr. Dittemore moved to dispense with further proceedings under the call.

Which was agreed to.

SPECIAL ORDER.

The hour of two o'clock p. m. having arrived, being the hour fixed for the consideration of Senate bill No. 238,

Mr. Dittemore moved to postpone the special order until two o'clock p. m. on Wednesday next.

Mr. Hubbard moved to lay the motion on the table.

Messrs. Bunyan and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Beardsley, Brown, Carnahan, Dwiggin, Francisco, Glessner, Gooding, Gregg, Harney, Haworth, Howard, Hubbard, Miller, Neff, Ringo, Rosebrugh, Sarnighausen, Slater, Stroud, Wadge and Williams—23.

Those who voted in the negative were, Messrs. Bird, Boone, Bowman, Bunyan, Cave, Collett, Daggy, Daugherty, Dittemore, Fuller, Friedley (of Scott), Hall, Hough, Scott, Sleeth, Smith, Steele and Winterbotham—18.

So the motion to lay on the table was agreed to.

Mr. Hubbard moved to consider the bill engrossed, and that the

same be read a third time, and upon that motion demanded the previous question, which was seconded by the Senate.

The question then being, shall the main question be now put?

It was so ordered.

Senate bill No. 238—a bill for an act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein, abolishing Courts of Common Pleas, and transferring the business thereof to the Circuit Courts, and providing for the election of judges and prosecuting attorneys in certain cases.

Which was read a third time.

The question being on the adoption of the amendment offered by Mr. Smith.

It was not adopted.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bowman, Brown, Carnahan, Cave, Chapman, Dittemore, Dwiggin, Francisco, Friedley (of Scott), Glessner, Gooding, Gregg, Haworth, Howard, Hubbard, Miller, Oliver, Rosebrugh, Sarnighausen, Slater, Stroud, Thompson and Wadge—26.

Those who voted in the negative were, Messrs. Bird, Boone, Bunyan, Collett, Daggy, Daugherty, Fuller, Hall, Harney, Hough, Neff, Rhodes, Ringo, Scott, Sleeth, Smith, Steele, Taylor, Williams and Winterbotham—20.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Collett submitted the following report:

MR. PRESIDENT :

The Joint Committee on Enrolled Bills have had under consideration and find correctly enrolled the following bill :

Engrossed House bill No. 327—a bill to regulate the sale of intoxicating liquors, etc.

On motion by Mr. Dittemore, the Senate adjourned.

LEONIDAS SEXTON,
President of the Senate.

MONDAY MORNING.

FEBRUARY 24, 1873, 10 o'clock.

Senate met.

Mr. Dwiggins moved that the reading of the Journal of Friday be dispensed with.

Which was agreed to.

Mr. Smith submitted the following report :

MR. PRESIDENT :

The Committee on Engrossed Bills have had Senate engrossed bill No. 148—a bill to provide for the relocation of county seats, and repealing all laws contravening the provisions of this act, and declaring an emergency ; and find the same correctly engrossed.

Mr. Collett submitted the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled Bills report that they have this day presented to the Governor, House bill No. 71, for his approval, this 21st day of February, 1873.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled act of the House, to-wit :

Enrolled Act No. 327, House of Representatives—an act to regulate the sale of intoxicating liquors ; to provide against the evils resulting from any sale thereof ; to furnish remedies for damages suffered by any person in consequence of such sale ; prescribing penalties ; to repeal all laws contravening the provisions of this act, and declaring an emergency. And the same is herewith transmitted to the Senate for the signature of the President thereof.

The President announced that he had signed enrolled act of the House, No. 327—an act to regulate the sale of intoxicating liquors ; to provide against evils resulting from any sale thereof ; to furnish remedies for damages suffered by any person in consequence of such sale ; prescribing penalties ; to repeal all laws contravening the provisions of this act, and declaring an emergency.

Mr. Fuller moved to take up Senate bills on a second reading.

Which was agreed to.

Mr. Hough presented a remonstrance against the sale of the "Rome Academy," and ask that said building be retained and used as a seminary of learning forever.

Which was read and laid on the table to be referred with House bill No. 444.

Mr. Thompson presented a petition from citizens of Jefferson county, relative to the marriage laws.

Which was referred to the Committee on Rights and Privileges.

SENATE BILLS ON SECOND READING.

Senate bill No. 324—a bill in relation to sheriff's deeds.

Which was referred to the Committee on the Judiciary.

Senate bill No. 319—a bill to legalize the acts of school trustees

of incorporated towns who have issued and sold bonds to procure means to erect school buildings.

Which was referred to the Committee on the Judiciary.

Senate bill No. 337—a bill to limit the time of bringing an action at law or equity upon a judgment obtained in any other State of the United States.

Which was read a second time and ordered engrossed.

Senate bill No. 41—an act to amend section five of an act entitled, "An act to regulate and license the sale of spiritous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for violation thereof."

Which was read a second time.

Mr. Dittmore moved to lay the bill on the table.

Which was agreed to.

Senate bill No. 231—a bill to amend an act entitled, an "Act to amend an act granting to the citizens of the town of Evansville, a city charter," approved February 4, 1848.

Which was read a second time and ordered engrossed.

Senate bill No. 120—an act to protect the ballot box, to procure a fair election, to define felonies, and prescribe punishment thereof

Which was read a second time and ordered engrossed.

Senate bill No. 250—an act to further prescribe the duties of Secretary of State and to provide for the necessary arrangements, clerks and expenses of his office.

Which was read a second time and ordered engrossed.

Senate bill No. 227—an act providing for empaneling a jury other than the regular panel in certain cases in the superior courts, circuit courts, and courts of common pleas of this State, and declaring an emergency.

Which was read a second time and ordered engrossed.

Senate bill No. 268—an act to authorize the transfer of funds raised under the provisions of an act for the relief of families of soldiers, etc., under the provisions of an act approved March 4, 1865, to the common school fund.

Which was read a second time and ordered engrossed.

Senate bill No. 224—a bill for the relief of Nicholas Morback, Joseph E. Lang and Francis Joseph Wetzler.

Which was read a second time.

Mr. Orr moved to recommit the bill to the Committee on the Judiciary.

Which was agreed to.

Mr. Neff submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled bills would respectfully report that they have this day presented to the Governor for his signature the following enrolled act, to-wit

Enrolled act No. 827, House of Representatives, entitled, "An act to regulate the sale of intoxicating liquors and provide against evils resulting therefrom," etc.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolutions, to-wit:

Resolved, That this House has heard, with profound regret, of the death of Hon. Patrick Henry Lee, a Representative from the county of Vigo, which occurred at the city of Terre Haute on Saturday, 22d instant; that in respect for his memory this hall be suitably draped in mourning during the remainder of this session; that each member wear the usual badge of mourning for thirty days; that the Senate be informed hereof for concurrence, and that this General Assembly do now adjourn for to-day.

Resolved, That a certified copy of these proceedings be transmitted to the mother of the deceased.

Mr. Scott moved to take up the message of the House relative to the death of Patrick Henry Lee, Representative from the county of Vigo.

Which was agreed to.

Mr. Scott moved to concur in the resolution of the House.

Which was concurred in, and the President declared the Senate adjourned.

LEONIDAS SEXTON,
President of the Senate.

TUESDAY MORNING.

FEBRUARY 25, 1873, 10 o'clock.

Senate met.

Pending the reading of the Journal of yesterday, on motion by Mr. Orr, the further reading thereof was dispensed with.

Mr. Williams presented a petition from the residents of Clark county, Indiana, relative to the State Prison South.

Which was read and referred to the Committee on Prisons.

Mr. Taylor presented claim of Baker, Hord & Hendricks for \$500.

Which was referred to the Committee on Claims.

Mr. Boone introduced Senate bill No. 330—a bill to amend an act entitled "An act to prevent emigration from any other State, or from one county or township in this State into another county or township in this State for the purpose of influencing or carrying the election in such other county or township, and prescribing penalties against, aiding, abetting, counseling or engaged therein,

approved March 6, 1857, and prescribing punishment for violation of this act."

Which was read a first time and referred to the Committee on Rights and Privileges.

Mr. Neff submitted the following report :

MR. PRESIDENT :

The Engrossing Committee, to whom was referred Senate bill No. 327—a bill to limit the time of bringing an action of law and equity upon a judgment obtained in any other State of the United States, have carefully examined the same and find it correctly engrossed.

Senate bill No. 263—an act authorizing married women to sell and convey certain interests in real estate, and regulating rights connected therewith.

Which was taken from the table and recommitted to the Committee on the Judiciary.

Mr. Miller presented a petition from citizens of Miami county, relative to the selection of a site for the proposed Northern Asylum for the incurable insane.

Which was referred to the Committee on Benevolent Institutions without reading.

Mr. Hall introduced Senate bill No. 254—a bill to amend section sixty of an act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 14, 1867.

Which was read a second time.

Mr. Hall offered the following amendment :

Amend by inserting in section one, line twenty-five, after the word "city," the following words : "or to public improvements or public works." Section one, line twenty-eight, after the word "bridges," insert the words : "or public improvements or public

works." Line twenty-three, after the word "bridges" insert "or public improvements, or public works." Section one, line forty-two, after the "bridges," insert the words: "and in case of public improvements or public works, upon the completion thereof."

Which amendment was adopted, and bill ordered engrossed.

Mr. Dwiggins moved to suspend the order of business and take up introduction of bills.

Which was not agreed to.

Mr. Fuller moved to suspend the order of business, and take up Senate bills on a second reading.

Mr. Hubbard moved to amend the motion so as to take up Senate bills on a third reading.

Which was not agreed to.

The question recurring on the motion by Mr. Fuller,

It was agreed to.

Mr. Hough submitted the following report:

MR. PRESIDENT:

The Committee on the Organization of Courts, to whom was referred Senate bill No. 34, entitled "An act to amend section ninety, and section one hundred and three of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852, and declaring an emergency, have had the same under consideration, and a majority of the committee have directed me to report the same back to the Senate with the recommendation that section one thereof be amended by adding the following words to the fourth clause thereof, to-wit:

But if the defendant does not testify, his failure to do so shall not be commented upon or referred to in the argument of the cause, nor commented upon, referred to or in any manner considered by the jury trying the same; and it shall be the duty of the courts in such cases to instruct the jury of their duty under the provisions of this section. And that the bill be further amended by striking out the second section thereof, for the reason that the object thereof is

provided for in another bill which has passed both branches of this General Assembly; and amend the title by striking out the words between the word "ninety," in the first line, and the word "of" in the second line. And that when the bill is so amended they recommend that the same do pass.

Which was concurred in.

Senate bill No. 236—an act concerning cemeteries.

Which was read a second time and ordered engrossed.

Senate bill No. 258—an act to prevent betting on elections, and providing punishment for the same.

Which was read a second time and ordered engrossed.

Senate bill No. 240—a bill to amend the 156th section of an act entitled "An act to provide a general system of common schools, the officers thereof, and their respective powers and duties," etc.

Which was read a second time and ordered engrossed.

Senate bill No. 248—a bill to provide for exemption from sale on execution of occupied lots in public cemeteries which have been platted and recorded.

Which was read a second time and ordered engrossed.

Senate bill No. 255—a bill to prevent the owners of hogs having the cholera from letting the same run at large.

Which was read a second time and ordered engrossed.

Message from the House by Mr. Nixon, Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled joint resolution, to-wit:

Enrolled Joint Resolution No. 8, Senate—a Joint Resolution in relation to the cancellation of certain bonds of the State therein named; and the same is herewith returned to the Senate for the signature of the President thereof.

Senate bill No. 266—an act to require surviving partners to file inventories and appraisements in the office of the clerk of the circuit court, and to report the liabilities of such firms, and to execute bond for the assets of said firms, and making provisions for violations thereof.

Which was read a second time.

Mr. Carnahan moved that the bill be considered engrossed and that the constitutional rule requiring bills to be read on three several days be suspended and the bill be read a third time and put upon its passage.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott), Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Miller, Oliver, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Steele, Stroud, Thompson, Wadge, Williams and Winterbotham—40.

No Senator voting in the negative.

So the constitutional rule was suspended, and engrossed Senate bill No. 266—an act to require surviving parties to file inventories and appraisements in the office of the clerk of the circuit court, and to report the liabilities of such firms, and to execute bond for the assets of said firms, and making provisions for violation thereof, was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott), Glessner, Gooding, Gregg, Hall, Haworth, Hough, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—43.

Messrs. Harney and Howard voting in the negative.

S. J.—42

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills report that they have this day presented to the Governor House bill No. 200 for his approval, entitled, "An act to authorize and empower boards of county commissioners to equalize local county bounty to soldiers, to issue bonds or orders therefor," etc.

The President announced that he had signed Senate Joint Resolution No. 8.

Message from the Governor by Samuel R. Downey, Esq., his Private Secretary:

MR. PRESIDENT:

By direction of the Governor I have the honor to lay before the Senate a communication and accompanying memorial relative to the erection of a monument on the field of Gettysburg, to the memory of General George G. Meade.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, February 21, 1873. }

GENTLEMEN OF THE SENATE:

I herewith present for your consideration a memorial addressed to the Governor and Legislature of Indiana, from the executive committee of the Gettysburg Battle Field Memorial Association, "seeking aid from this State towards the erection upon the field of Gettysburg, of a historical column with an Equestrian Statue," as a monument to the memory of Major General George G. Meade to which I ask your attention.

As a commander General Meade was so eminent, and his services to the country were so distinguished, that you cannot fail to sympathize with a movement intended to honor his memory and perpetuate his fame.

Mr. Collett submitted the following report:

MR. PRESIDENT :

The Joint Committee on Enrolled bills, report that they have this day presented to the Governor, Senate Joint Resolution No. 8—a joint resolution in relation to the cancellation of certain bonds of the State therein named.

Mr. Hall moved to suspend the constitutional rule requiring bills to be read on three several days, and read Senate No. bill 254, a third time and put it upon its passage.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bowman, Brown, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott,) Glessner, Gooding, Hall, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Orr, Rhodes, Ringo, Rosebrugh, Scott, Slater, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—38.

Those who voted in the negative were, Messrs. Bird, Boone, Bunyan, Gregg, Sleeth and Steele—6.

So the constitutional rule was suspended and Senate bill No. 254—a bill to amend section sixty of an act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 14, 1867.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Car-

nahan, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott), Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Orr, Rhodes, Ringo, Rosebrugh, Scott, Slater, Sleeth, Stroud, Taylor, Thompson, Wage and Williams—41.

Messrs. Steele and Winterbotham voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Senate bill No. 270—an act to authorize incorporated cities to purchase and use for certain purposes land lying without the corporate limits of such cities.

Which was read a second time and ordered engrossed.

Senate bill No. 239—a bill authorizing the incorporation of cities containing a population of thirty thousand to make loans, and prescribing rules and regulations concerning the loaning of money by such cities.

Which was read a second time and ordered engrossed.

Mr. Steele moved to take from the table Senate bill No. 197.

Which was agreed to.

Senate bill No. 197—a bill to increase the salaries of the supreme judges.

Which was read a second time.

Mr. Slater moved to indefinitely postpone the bill.

Mr. Dittemore moved to lay the bill and motion on the table.

Which was agreed to.

Senate bill No. 289—a bill to fix the salaries of the judges of the Supreme Court, and to provide for the time and manner of payment, and declaring an emergency.

Which was read a second time and ordered engrossed.

Mr. Gooding moved that Senate bill No. 9 and reports be taken from the table and placed on the calendar.

Messrs. Slater and Winterbotham demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Boone, Bowman, Brown, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggin, Francisco, Friedley (of Scott), Glessner, Gooding, Gregg, Hall, Harney, Hubbard, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Taylor, Thompson and Wadge—29.

Those who voted in the negative were, Messrs. Beardsley, Bird, Bunyan, Fuller, Haworth, Hough, Howard, Miller Neff, Orr, Rosebrugh, Slater, Sleeth, Steele, Stroud, Williams and Winterbotham—17.

So the motion was agreed to.

SPECIAL ORDER.

The hour of 10:30 o'clock a. m. having arrived, being the hour fixed for the consideration of Senate bill No. 245, the same was taken up.

Senate bill No. 245—a bill to provide for the letting of the State printing to the lowest bidder, and providing that the Governor, Secretary of State and Auditor of State, shall be ex-officio Commissioners of Public Printing, and providing for the appointment of Superintendent of Public Printing, and abolishing the office of State Printer.

Which was read a second time.

Mr. Brown moved to recommit the bill to the Committee on the Judiciary.

Mr. Williams moved to lay that motion on the table.

Messrs. Brown and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott), Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Stroud, Taylor, Wadge, Williams and Winterbotham—41.

Those who voted in the negative were, Messrs. Brown, Orr, Sleeth, Steele and Thompson—5.

So the motion to lay on the table was agreed to.

Mr. Gregg moved that the bill be ordered engrossed, and upon that motion demanded the previous question, which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being on the motion that the bill be ordered engrossed,

It was agreed to.

Mr. Brown moved that two hundred copies of the bill be printed.

Mr. Hough moved to lay the motion to print on the table.

Messrs. Hough and Brown demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Carnahan, Cave, Chapman, Daggy, Daugherty, Dittemore, Fuller, Francisco, Glessner, Gregg, Hall, Harney, Hough, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Stroud, Taylor, Williams and Winterbotham—28.

Those who voted in the negative were, Messrs. Brown, Bunyan, Collett, Dwiggin, Friedley (of Scott), Gooding, Haworth,

Howard, Hubbard, Miller, Neff, Oliver, Orr, Rhodes, Sleeth, Steele, Thompson and Wadge—18.

So the motion to lay on the table was agreed to.

Mr. Collett moved to suspend the order of business and take up Senate bill No. 310.

Which was agreed to.

Mr. Collett moved that the constitutional rule requiring bills to be read on three several days be suspended, and Senate bill No. 310 read a second time by title and a third time by sections and put upon its passage.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Brown, Bowman, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Francisco, Friedley (of Scott), Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Oliver, Orr, Rhodes, Ringo, Rosebrugh, Scott, Slater, Sleeth, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—38.

Mr. Steele voting in the negative.

So the constitutional rule was suspended.

Senate bill No. 310—a bill to provide for collecting agricultural, mineral and mechanical productions of Indiana, and their display at the Vienna Exposition, for the appointment of commissioners and assistant commissioners, and providing for expenses connected therewith.

Which was read a second time by title and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Boone, Bowman, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Friedley (of Scott), Glessner, Gooding, Harney, Haworth, Hubbard, Miller, Oliver, Orr, Rhodes, Ringo,

Rosebrugh, Sarnighausen, Scott, Sleeth, Steele, Stroud, Taylor, Thompson, Wadge and Williams—32.

Those who voted in the negative were, Messrs. Beardsley, Gregg, Hough, Howard, Slater and Winterbotham—6.

So the bill passed.

The question being, shall the title as read stand as the title of the bill,

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Smith asked and obtained leave of absence indefinitely.

On motion by Mr. Oliver, the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled, 2 o'clock p. m.

By unanimous consent, Mr. Scott offered the following resolution:

Resolved, That the Senate will hold night sessions until otherwise ordered, commencing at 7 o'clock, p. m..

Which was laid over until to-morrow, under the rule.

By unanimous consent, Mr. Dittmore offered the following resolution:

Resolved, That the warden of the Southern prison be, and he is hereby requested to furnish the Chairman of the Senate Committee on Prisons with a certified copy of the contract between the State of Indiana and the Southwestern Car Works Company; and that the Secretary of the Senate inform the warden thereof, and that he be requested to report immediately.

Which was adopted.

Mr. Winterbotham offered the following resolution :

Resolved, That the House of Representatives be, and they are hereby respectfully requested to return to the Senate, Senate bill No. 238—a bill to divide the State into circuits for judicial purposes; fixing the time of holding courts therein; abolishing the courts of common pleas, and transferring the business thereof to the circuit courts; providing for the election of judges and prosecuting attorneys in certain cases—which is now in possession of that body.

On call of the Senate, demanded by Mr. Dwiggins, the following Senators were present, answering to their names:

Messrs. Beeson, Bird, Boone, Bowman, Bunyan, Carnahan, Cave, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Friedly, (of Scott,) Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Orr, Rhodes, Ringo, Rosebrugh, Saninghauser, Scott, Slater, Sleeth, Steele, Stroud, Taylor, Thompson, Williams and Winterbotham—38.

Mr. Dwiggins moved to send for absentees.

Mr. Dittemore moved to amend by dispensing with further proceedings under the call.

Messrs. Dwiggins and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Bird, Boone, Bowman, Bunyan, Cave, Daugherty, Dittemore, Fuller, Hall, Harney, Hough, Miller, Neff, Orr, Rhodes, Scott, Slater, Sleeth, Steele, Taylor, Williams and Winterbotham—22.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Beeson, Brown, Carnahan, Chapman, Dwiggins, Francisco, Friedley (of Scott,) Glessner, Gooding, Gregg, Haworth, Howard, Hubbard, Rosebrugh, Sarnighausen, Stroud and Thompson—19.

So the motion by Mr. Dittemore was agreed to.

The question being on the adoption of the resolution offered by Mr. Winterbotham.

Mr. Brown moved to lay the resolution on the table.

Messrs. Williams and Orr demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bowman, Brown, Carnahan, Cave, Chapman, Dwiggins, Francisco, Friedley (of Scott), Glessner, Gooding, Gregg, Haworth, Howard, Hubbard, Oliver, Rosebrugh, Sarnighausen, Thompson and Williams—22.

Those who voted in the negative were, Messrs. Bird, Boone, Bunyan, Collett, Daugherty, Dittemore, Fuller, Hall, Harney, Hough, Miller, Neff, Orr, Rhodes, Ringo, Scott, Slater, Sleeth, Steele, Stroud, Taylor and Winterbotham—22.

The Lieutenant Governor voting in the affirmative.

So the motion to lay the resolution on the table was agreed to.

Mr. Dwiggins moved to suspend the order of business and take up Senate bills on a second reading.

Mr. Hough moved to amend by taking up Senate bills on a third reading.

Which was agreed to.

The question being on the motion as amended,

It was agreed to.

SENATE BILLS ON A THIRD READING.

Engrossed Senate bill No. 327—a bill to limit the time of bringing an action at law or equity upon a judgment obtained in any other State of the United States.

Which was read a third time.

Mr. Daugherty moved to recommit the bill to the Committee on the Judiciary.

Mr. Steele moved to lay that motion on the table.

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Bowman, Brown, Bunyan, Carnahan, Collett, Dittemore, Francisco, Glessner, Gooding, Gregg, Harney, Haworth, Howard, Neff, Oliver, Sarnighausen, Scott, Slater, Sleeth, Steele, Stroud, Taylor, Thompson, Williams and Winterbotham—28.

Those who voted in the negative were, Messrs. Beardsley, Boone, Cave, Chapman, Daugherty, Dwiggins, Fuller, Friedley (of Scott,) Hall, Hubbard, Miller, Orr, Ringo and Rosebrugh—14.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 176—a bill supplemental to and repealing section thirteen of an act entitled, "An act to establish public libraries," approved February 16, 1852, defining the power of cities in relation thereto, providing for the collection of fines and forfeitures imposed by library associations, and permitting other corporations to take stock in the same.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Scott,) Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Orr, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Steele, Stroud, Taylor, Thompson, Williams and Winterbotham—43.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 61—a bill to protect society against dangerous consequences arising from setting at liberty persons who may have been acquitted of any murder, manslaughter, robbery, arson, rape, larceny, or other felony, upon the plea and defence of insanity.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Ditttemore, Dwiggin, Fuller, Francisco, Friedley (of Scott,) Hall, Harney, Haworth, Hough, Miller, Neff, Oliver, Orr, Ringo, Sarnighausen, Slater, Stroud, Taylor, Thompson, and Wadge—32.

Those who voted in the negative were, Messrs. Beardsley, Bird, Glessner, Gooding, Gregg, Howard, Hubbard, Rosebrugh Scott, Steele, Williams and Winterbotham—12.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

ORDERED: That the Secretary inform the House of the passage the bill.

Engrossed Senate bill No. 83—a bill defining the offence of libel,

making the same a misdemeanor and prescribing the punishment thereof.

Which was read a third time.

Mr. Slater moved to indefinitely postpone the bill.

Mr. Steele moved to lay the bill on the table.

Messrs. Hough and Orr, demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Boone, Bowman, Bunyan, Carnahan, Cave, Chapman, Dittemore, Dwiggin, Francisco, Friedley (of Scott,) Glessner, Gooding, Gregg, Harney, Haworth, Howard, Hubbard Miller, Neff, Oliver, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—34.

Those who voted in the negative were, Messrs. Beeson, Bird, Brown, Collett, Daggy, Daugherty, Fuller, Hough and Orr—9.

So the motion to lay the bill on the table was agreed to.

Engrossed Senate bill No. 90—a bill to amend section twenty-four of an act entitled, "An act regulating decents and the apportionment of estates," approved May 14, 1852, and declaring an emergency.

Which was read a third time.

"The question being, shall the bill pass ?

Those who voted in the affirmative were, Messrs. Beeson, Bird, Bowman, Carnahan, Collett, Daugherty, Dittemore, Fuller, Friedley (of Scott), Howard, Hubbard, Miller, Neff, Rhodes, Sleeth, Stroud, Taylor, Thompson and Wadge—19.

Those who voted in the negative were, Messrs. Armstrong, Boone, Brown, Bunyan, Cave, Chapman, Daggy, Dwiggin, Francisco, Glessner, Gooding, Gregg, Harney, Haworth, Hough, Oliver, Orr, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Steele, Williams and Winterbotham—25.

So the bill failed to pass.

Mr. Collett submitted the following report:

MR. PRESIDENT :

The Joint Committee on Enrolled Bills would respectfully report that they have examined and compared enrolled Senate bill No. 94, entitled "An act concerning the application of certain fines, penalties and forfeitures collected in the enforcement of certain city ordinances in cities having therein incorporated houses for friendless women, and find it correctly enrolled.

Engrossed Senate bill No. 117—a bill regulating the granting of divorces, nullification of marriages and decrees, and orders of courts incident thereto, and repealing all laws conflicting with this act, and declaring an emergency.

Which was read a third time.

Mr. Slater moved to indefinitely postpone the bill.

Mr. Hall moved to lay that motion on the table.

Messrs. Rosebrugh and Hall demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bunyan, Carnahan, Chapman, Collett, Dwigins, Friedley (of Scott), Glessner, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Orr, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Sleeth, Thompson, Wadge and Winterbotham—28.

Those who voted in the negative were, Messrs. Bird, Boone, Bowman, Brown, Cave, Daggy, Daugherty, Dittemore, Fuller, Francisco, Gooding, Gregg, Oliver, Slater, Steele, Stroud and Williams—17.

So the motion to lay on the table the motion to indefinitely postpone the bill was agreed to.

The question being, shall the bill pass ?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bunyan, Carnahan, Chapman, Collett, Daugherty, Dwigins, Friedly (of Scott), Glessner, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Orr,

Rhodes, Rosebrugh, Sarnighausen, Scott, Sleeth, Thompson, Wadge, Willims and Winterbotham—30.

Those who voted in the negative were, Messrs. Bird, Boone, Bowman, Brown, Cave, Daggy, Dittemore, Fuller, Francisco, Gooding, Gregg, Ringo, Slater, Steele and Stroud—15.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 189—a bill to amend section 648 of the practice act, approved June 18, 1852.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Boone, Bunyan, Carnahan, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott), Glessner, Gooding, Gregg, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Orr, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Steele, Stroud, Shompson and Winterbotham—38.

Messrs. Bowman, Cave and Williams voting in the negative—3.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled act of the Senate, to-wit:

Enrolled act No. 94, Senate—an act concerning the application of fines, penalties and forfeitures collected in the enforcement of certain city ordinances in cities having therein incorporated houses for friendless women.

And the same is herewith returned to the Senate for the signature of the President thereof.

Engrossed Senate bill No. 148—a bill to provide for the relocation of county seats, and repealing all laws contravening the provisions of this act, and declaring an emergency.

Which was read a third time.

Mr. Dwiggins moved to recommit the bill to the Committee on the Judiciary, with instructions to strike out "two-thirds" wherever it occurs, and insert in lieu thereof "sixty per cent." Also strike out the tenth section of the bill.

Mr. Dittemore moved to lay the motion by Mr. Dwiggins on the table.

Messrs. Hall and Orr demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Bird, Bowman, Brown, Cave, Chapman, Collett, Daugherty, Dittemore, Fuller, Glessner, Gregg, Howard, Hubbard, Oliver, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Steele, Stroud, Thompson, Williams and Winterbotham—27.

Those who voted in the negative were, Messrs. Armstrong, Boone, Bunyan, Carnahan, Dwiggins, Francisco, Friedley (of Scott,) Gooding, Hall, Harney, Haworth, Miller, Neff, Orr and Wadge—15.

So the motion to lay on the table was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Bird, Bowman, Brown, Cave, Chapman, Collett, Daugherty, Dittemore, Fuller, Glessner, Gregg, Harney, Hubbard, Miller, Oliver, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Steele Stroud, Taylor, Thompson, Williams and Winterbotham—28.

Those who voted in the negative were, Messrs. Armstrong, Boone, Bunyan, Carnahan, Daggy, Dwiggins, Francisco, Friedley (of Scott,) Gooding, Hall, Haworth, Howard, Neff, Orr, Rhodes and Wadge—16.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

The President announced that he had signed enrolled act of the Senate No. 94.

Engrossed Senate bill No. 174—a bill defining certain misdemeanors and prescribing punishment thereof.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Scott,) Glessner, Gooding, Gregg, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Orr, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—41.

Messrs. Bird, and Daugherty voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 185—a bill to authorize judges of circuit courts and courts of common pleas to grant injunctions in actions pending in counties adjoining such circuit or district, when both judges of the circuit court and common pleas of such county are disqualified from hearing such motion to authorize the clerk of the circuit to grant temporary restraining orders.

Which was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Dwiggin, Fuller, Francisco, Friedley (of Scott,) Glessner, Gooding, Gregg, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Orr, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—40.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

Mr. Brown moved to strike out the title as it now reads and insert the following in lieu thereof.

An act to regulate the granting of restraining orders and injunctions by clerks of the circuit courts and circuit and common pleas judges in certain cases.

The question being on the adoption of the amendment.

Which was adopted.

The question then being, shall the title as amended stand as the title of the bill.

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 192—a bill to amend section five of an act entitled, "An act to exempt property from sale in certain cases," approved February 17, 1852.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daugherty, Dwiggin, Fuller, Francisco, Friedley (of Scott), Glessner, Gooding, Gregg, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Orr, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—41.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Hall submitted the following report:

MR. PRESIDENT:

The Committee on Engrossed Bills have the honor to report that we have carefully compared engrossed Senate bills Nos. 254, 248, 236, 255, 270, 258, 240 and 289, and find the same correctly engrossed.

Engrossed Senate bill No. 254—a bill to amend section sixty of an act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 14, 1867.

Engrossed Senate bill No. 248—a bill to provide for exemption from sale on execution of occupied lots in public cemeteries which have been platted and recorded.

Engrossed Senate bill No. 236—a bill concerning cemeteries.

Engrossed Senate bill No. 255—a bill to prevent owners of hogs having the cholera, from letting the same run at large.

Engrossed Senate bill No. 270—a bill to authorize incorporate cities to purchase and use for certain purposes, land lying without the corporate limits of such cities.

Engrossed Senate bill No. 258—a bill to prevent betting on elections and providing punishment for the same.

Engrossed House bill No. 240—a bill to amend the 156th section of an act entitled, "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865.

Engrossed Senate bill No. 289—a bill to fix the salaries of the Judges of the Supreme Court of this State, and to provide for the time and manner of payments, and declaring an emergency for the immediate taking effect of this act.

Engrossed Senate bill No. 195—a bill defining misdemeanors, and declaring the penalties therefor.

Which was read a third time.

Mr. Gooding demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Daggy, Francisco, Glessner, Gregg, Hall, Hubbard, Rhodes, Ringo, Rosebrugh and Sarnighausen—14.

Those who voted in the negative were, Messrs. Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Daugherty, Dittemore, Dwiggins, Fuller, Friedley (of Scott), Gooding, Harney, Haworth, Hough, Howard, Miller, Neff, Oliver, Orr, Slater, Sleeth, Steele, Stroud, Taylor, Wadge, Williams and Winterbotham—29.

So the bill failed to pass.

Mr. Collett submitted the following report :

Mr. President the Joint Committee of Enrolled bills report that they have this day presented to the Governor Senate bill No. 94 for his approval, viz: An act concerning the application of certain fines, penalties and forfeitures collected in the enforcement of certain city ordinances in cities having therein incorporated houses for friendless women.

Engrossed Senate bill No. 202—a bill to amend sections seven and nine of an act entitled, "An act to provide for a general system of common schools, the officers thereof, and their respective duties and powers, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dwiggins, Fuller, Francisco, Friedley (of Scott), Glessner, Gooding, Gregg, Hall, Harney, Howard, Hubbard, Miller, Neff, Orr, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—41.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 219—a bill to provide for the erection and maintainance of fish ladders, and providing penalties for the violation of the same.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Bunyan, Carnahan, Chapman, Collett, Daggy, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Scott,) Glessner, Gregg, Hall, Harney, Howard, Hubbard, Miller, Neff, Oliver, Orr, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Sleeth, Stroud, Taylor, Thompson and Wadge—36.

Those who voted in the negative were, Messrs. Cave, Gooding, Haworth, Hough, Slater, Steele, Williams and Winterbotham—8.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

On motion of Mr. Cave, the Senate adjourned.

LEONIDAS SEXTON,
President of the Senate.

WEDNESDAY MORNING.**FEBRUARY 26, 1873, 10 o'clock.**

Senate met.

On motion by Mr. Fuller, the reading of the Journal of yesterday was dispensed with.

The President laid before the Senate the annual report of the Trustees of the Wabash & Erie Canal.

Which was referred to the Committee on Finance without reading.

Mr. Hubbard moved to suspend the regular order of business and take up Senate bills on a third reading.

Which was agreed to.

Engrossed Senate bill No. 222—a bill making it unlawful for owner or owners, proprietor or proprietors of billiard tables to suffer or permit minors to play at or upon the same, or to suffer or permit minors to congregate at and about such billiard tables, and providing penalties for the violation of this act.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bowman, Brown, Bunyan, Carnahan, Daugherty, Dittemore, Friedley (of Scott), Glessner, Gooding, Hall, Harney, Haworth, Hough, Hubbard, Miller, Neff, Rhodes, Ringo, Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson and Williams—30.

Those who voted in the negative were, Messrs. Bird, Cave, Fuller, Rosebrugh, Sarnighausen, Wadge and Winterbotham—7.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 35—a bill to amend sections seventeen and twenty-nine of an act entitled, "An act to repeal all general laws for the incorporation of cities, and to provide for their incorporation, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1872.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Bunyan, Carnahan, Cave, Daggy, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Scott), Glessner, Gooding, Gregg, Hall, Harney, Harworth, Hough, Hubbard, Miller, Neff, Rhodes, Ringo, Rosebrugh, Scott, Sleeth, Smith, Steele, Stroud, Thompson, Wadge, Williams and Winterbotham—38.

Mr. Howard voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 143—a bill to restrain all persons from hiring or employing persons under the age of twenty-one years to make or vend by the wholesale or retail, any spirituous or intoxicat-

ing liquors, and prescribing penalties therefor, and declaring an emergency.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bowman, Brown, Bunyan, Chapman, Collett, Daggy, Dagherty, Dwiggins, Friedley (of Scott,) Glessner, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Rhodes, Ringo, Scott, Sleeth, Smith, Steele, Taylor, Wadge and Williams—30.

Those who voted in the negative were, Messrs. Bird, Boone, Carnahan, Cave, Dittemore, Fuller, Francisco, Gregg, Rosebrugh, Sarnighausen, Slater and Stroud—12.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

ORDERED, That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 156—a bill to authorize cities constructing water works to issue bonds and dispose of the same in aid of the construction of such water works.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Daggy, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Scott,) Glessner, Gregg, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Rosebrugh, Scott, Smith, Stroud, Taylor, Thompson, Wadge and Williams—37.

Those who voted in the negative were, Messrs. Bird, Collett, Hall, Sarnighausen, Slater, Steele, and Winterbotham—7.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

ORDERED: That the Secretary inform the House, of the passage of the bill.

The hour of 10 o'clock a. m. having arrived, being the hour fixed for the consideration of Senate bill No. 292, and the report of the committee thereon, the same was taken up.

Senate bill No. 292—a bill regulating the fees of officers and providing penalties for its violation, repealing certain acts therein named and declaring an emergency.

Which was read a second time.

Mr. Scott offered the following amendment: "And to prosecuting attorneys of criminal circuit courts."

Which was adopted.

Mr. Daggy moved to read the bill by sections.

Mr. Williams moved to amend by reading the bill and report of committee by items.

Which was agreed to.

The question being on the motion by Mr. Daggy as amended.

It was agreed to.

Mr. Sleeth offered the following amendment:

Amend line twenty of section two, by inserting after the word "issue," the words "of fact."

Mr. Rosebrugh moved to lay the amendment on the table.

Which was agreed to.

Mr. Hall offered the following amendment: Strike out all of section three, and insert the following:

SECTION 3. The Secretary of State shall be paid a salary of five thousand dollars per year, to be paid quarterly on the warrant of the Auditor of State from any money in the treasury not otherwise appropriated.

Mr. Slater moved to lay the amendment on the table.

Which was agreed to.

Mr. Howard moved to strike out the proviso to section three.

Mr. Dwiggins offered the following substitute for the motion by Mr. Howard:

Strike out section three and insert the following in lieu thereof:

SECTION 3. The fees of the Secretary of State shall be as follows, to-wit: For recording each bond, \$2.00; for copies of all records, laws and papers per one hundred words, four figures counting as one word, 15 cents; for each certificate authenticated by the seal of the State, \$1.00; for attesting notarial commissions, \$1.00; for issuing a commission to a commissioner of deeds, \$2.00. Such fees to be paid by the person for whom the services are rendered. *Provided*, Such Secretary shall in no case be entitled to any fee above provided where the services rendered are for this State. No fees to be charged for commission to any justice of the peace.

Mr. Smith moved to lay the substitute on the table.

Which was agreed to.

The question recurring on the motion by Mr. Howard, Mr. Brown moved to lay the motion by Mr. Howard on the table.

Which was agreed to.

Mr. Rhodes offered the following amendment:

After the word "thereof," in line eleven, page 2, insert "or for the Federal Government."

Which was adopted.

Mr. Dittmore offered the following amendment: "Entering every motion in writing, 10 cts." between lines twenty-six and twenty-seven of the printed bill.

Mr. Neff moved to lay the amendment on the table.

Which was agreed to.

Mr. Daugherty offered the following amendment: Strike out the words "For searching records within one year, 10 cts.; for each year back, 5 cts."

Which was adopted.

Mr. Williams offered the following amendment: Strike out "two dollars" and insert "one dollar for marriage license."

Mr. Daugherty moved to lay the amendment on the table.

Which was agreed to.

Mr. Rosebrugh offered the following amendment: Add to line 6, page 16, inserting "all said services."

Which was adopted.

Mr. Dittmore offered the following amendment: "For issuing fee bill, execution or decree, sealing, certifying, docketing and recording return of same, \$2.00."

Mr. Daggy offered the following amendment to the amendment: Amend the amendment of the Senator from Owen: "For issuing fee bill or execution or decree, sealing, certifying and docketing of same, for all services, \$1.00, and for recording return of same, for each one hundred words, 15 cts., but in no case shall execution and fee bill issue at the same time."

Mr. Steele moved to lay the amendment and the amendment to the amendment on the table.

Which was agreed to.

Mr. Glessner offered the following amendment: "For issuing fee bill execution or decree, certifying, docketing and recording return of same, \$1.00. *Provided*, That when the fee bill execution or decree exceeds six hundred words; then he shall be allowed ten cents per one hundred words for the excess."

Mr. Brown moved to lay the amendment on the table.

Which was agreed to.

Mr. Hough offered the following amendment: Amend report of committee so as to read as follows: "For issuing fee bill or execution, sealing, certifying, docketing and recording return of same 75 cts.; for issuing a copy of any decree, sealing, certifying, docketing and recording return of same, \$1.50."

Mr. Dittemore moved to lay the amendment on the table.

Which was agreed to.

Mr. Dittemore offered the following amendment: Strike out "\$2.00 for attending court," and insert "\$3.00 per day."

Mr. Williams moved to lay the amendment on the table.

Which was agreed to.

Mr. Brown moved to reconsider the vote on the motion to lay the amendment of Mr. Dittemore on the table.

Which was agreed to.

The question being on the motion by Mr. Williams to lay the amendment by Mr. Dittemore on the table.

Messrs. Gooding and Hall demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Boone, Bunyan, Chapman, Daggy, Fuller, Friedley (of Scott,) Glessner, Harney, Hough, Hubbard, Miller, Neff, Rhodes, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Smith and Williams—22.

Those who voted in the negative were, Messrs. Armstrong, Bird, Bowman, Brown, Carnahan, Cave, Collett, Daugherty, Dittemore, Dwiggin, Francisco, Gooding, Hall, Haworth, Howard, Oliver, Ringo, Steele, Stroud, Taylor, Thompson, Wadge and Winterbotham—23.

So the motion to lay the amendment on the table did not prevail.

The question being on the adoption of the amendment offered by Mr. Dittemore

Messrs. Brown and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Bird, Bowman, Brown, Carnahan, Cave, Collett, Daugherty, Dittemore, Dwiggin, Francisco, Gooding, Gregg, Hall, Haworth, Howard, Oliver, Ringo, Rosebrugh, Sarnighausen, Stroud, Thompson, Wadge and Winterbotham—24.

Those who voted in the negative were, Messrs. Beardsley, Beeson, Boone, Bunyan, Chapman, Daggy, Fuller, Friedley (of Scott,) Glessner, Harney, Hough, Hubbard, Miller, Neff, Rhodes, Scott, Slater, Sleeth, Smith, Steele, Taylor and Williams—22.

So the amendment was adopted.

Mr. Williams offered the following amendment: Strike out from the word "such," in line forty-two, to the word "exceed," in line forty-three inclusive, in section four.

Which was adopted.

Message from the Governor by Samuel R. Downey, his Private Secretary.

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, Feb. 26, 1873. }

MR. PRESIDENT :

By direction of the Governor I have the honor to communicate to the Senate that the accompanying report of the Board of State Officers appointed in an act of the General Assembly providing for the enlargement of the State House grounds.

INDIANAPOLIS, INDIANA. }
February 26, 1873. }

To the President of the Senate:

SIR:—The undersigned officers' of the State government appointed for that purpose in an act of the General Assembly, to provide for the enlargement of the State House grounds, have contracted with Messrs. William P. and Edward P. Gallup, as joint

owners for the purchase of a parcel of ground within the boundaries described in said act, being sixty-five feet in width fronting on Tennessee street, and extending back from said street to an alley on the west, after, several days negotiation during which several propositions were made on either side, involving questions as to the value of the ground, the value of the buildings, the right of removal, the length of occupancy, the time of payment, etc., the agreement reached was as follows:

To allow the owners at the rate of three hundred dollars per front foot, being the gross sum of nineteen thousand five hundred dollars. The State to have a fee simple title and an immediate possession, free from all incumbrances of renters or otherwise; the contract to be completed, the deed delivered, and the money paid, and the approval of the contract by the General Assembly. If the agreement thus made is approved, we respectfully submit that it will be proper to give authority for the renting or sale and removal of all buildings on the premises, the enclosure of the block proposed to be taken into the State House square, and for making such other preparations for its occupancy and use by the State as may seem to be necessary.

All of which is respectfully submitted.

Mr. Dwiggins offered the following substitute for section four of the bill: amend by striking out section four and insert the following in lieu thereof. Also amend by properly numbering the sections of the bill.

SECTION 4. Clerks fees in civil causes—The clerk of the circuit court shall tax the following and no other fees for his services in cases assimilating to those enumerated in this section, and upon no project, whatever, shall such clerk tax, charge or receive any other or greater fees than the following, when the facts conform materially to these stated herein to-wit: In each civil cause begun in either circuit, common pleas or supreme courts wherein there is one plaintiff and one defendant, one summons to the county in which suit is instituted under seal is required and issued, the cause docketed upon the entry, issue, court and bar dockets and fee book. The plaintiff and defendant appear at the next term or return the day succeeding the filing of said complaint, and before any other steps are taken the plaintiff dismisses the cause, dis

missal entered, and judgment for cost entered against said plaintiff. Judgment docketed and satisfaction thereof entered, fee book and order book indexed, and for all services connected with such cause, except entering replevin bail and issuing fee bill or execution the clerk shall be entitled to tax and receive a simple fee of \$2.50.

For each additional plaintiff against where judgment for cost is rendered, 25 cts.

In a cause where the conditions and facts are as above stated, except that instead of a dismissal by plaintiff the defendant is called and defaulted and judgment against said defendant is thereupon rendered without relief from valuation or appraisement laws, and all subsequent services performed as stated in page one, the clerk shall be entitled to tax and receive for all his services connected therewith, except replevin bail and execution, or fee bill, a simple fee of \$3.00.

For each additional defendant defaulted, and against whom judgment is rendered, 50 cts.

If in the cause cited in page two, in addition thereto, a mortgage is foreclosed, the clerk shall be entitled to tax and receive further decree of foreclosure, if one thousand words or less, and for all services so occasioned by reason of such foreclosure, including satisfaction of mortgage on recorder's books, in addition to the fee therein provided, except replevin bail and execution or copy of decree, for one installment, \$2.50.

For each installment not due after first, 80 cts.

In a cause filed in term, no summons issues, cognovit is filed and proven, judgment confessed and rendered against one defendant, and subsequent steps as set out in page one, and except replevin bail and execution or fee bill for all services, a suit fee of \$2.00.

For each additional defendant so confessing, and against whom judgment is rendered and docketed, 25 cts.

If foreclosure of mortgage is included in cognovit, the same as in page third.

For one installment, \$2.50.

For each additional installment, 80 cts.

Whenever the above fees shall be charged by said Clerk, no other fees shall be added thereto, excepting such as may accrue from staying on non-payment, within thirty days from the making

thereof; and such construction shall be placed upon the above paragraphs, 1, 2, 3, 4 and 5, as shall conduce most to prevent the taxing and collection of any other or greater fees by such Clerk, in cases not materially differing from those cited in said paragraphs, 1, 2, 3, 4 and 5. In cases that cannot be reasonably and fairly classed under the foregoing paragraph of this section, the Clerk may tax and receive of the party demanding the same for the following services the fees therefor provided, and no other, to-wit:

For filing each paper, 5 cts.

For entering action, 5 cts.

For entering cause on entry, issue, bar and court dockets, and entering same on fee book first time, 60 cts.

For each summons or other process under seal, 50 cts.

For entering the appearance of each party in person, or by counsel, 5 cts.

For entering each motion, when the same is in writing, 10 cts.

For entering each ordering a party to plead, 10 cts.

For entering and filing each demurrer, 15 cts.

For every issue of law, 10 cts.

Entering exception to ruling of court, 10 cts.

Every issue of fact, 25 cts.

Entering each finding of the court on an issue of fact, 20 cts.

Entering each judgment, whether with or without relief, 20 cts.

Docketing each judgment on judgment docket, 15 cts.

Entering and attesting satisfaction of a judgment on order book and judgment docket, 15 cts.

Indexing docket and all other records, in each case, 25 cts.

Bringing each record into court, when required by the court, 10 cents.

Entering each order and reading the same, when no other fee provides, 10 cts.

Taxing fees on fee book not his own, per 100 words, 10 cts.

For each 100 words in a record of the order or decree of court, or copy thereof, other than a finding or judgment, for which a fee is elsewhere herein provided, 10 cts.

For empanneling and swearing a jury to try a cause, and entering their names on the order book, 25 cts.

Recording each verdict on order book, and filing same, 15 cts.

Entering and filing each deposition, 10 cts.

Entering commissioner's bond, qualifying commissioner and his sureties, and recording the bond in partition, \$1.50.

Each certificate, with seal required to any paper, 50 cts.

Each certificate, without seal required to any paper, 25 cts.

Each affidavit and jurat, with seal thereto affixed, 50 cts.

Each affidavit and jurat, without seal thereto affixed, 25 cts.

Entering an order to pay money into court, 10 cts.

For each subpoena for witnesses before court, 50 cts.

For swearing each witness, each juror or other person to answer questions, or each bailiff, 5 cts.

Entering order of court, appointing referee, 20 cts.

Entering each special order of continuance, 20 cts.

Recording auditor's certificates as to jury, 50 cts.

Each venire for jury, 50 cts.

Each subpoena for witness before grand jury, to be issued by said clerk only on order of prosecuting attorney or foreman of grand jury, to be paid for out of county treasury, on said order being filed with said auditor; all witnesses in one county asked for at same time to be put into one subpoena, 25 cts.

Entering dismissal of cause, 20 cts.

For each 100 words in a record or copy thereof, 10 cts.

For each 100 words in a complete record, 10 cts.

Entering and attesting bail for stay of execution, 25 cts.

Entering and attesting assignment of a judgment or decree, 20 cts.

Issuing execution, decree, vendition, exponas or fee bill under seal, docketing same on execution; docket and recording return \$1.50.

For each one hundred words in decree or vendi, 10 cts.

For entering, filing and recording transcript to bind real estate docketing judgment and entering satisfaction thereof of one defendant; for all services therein a fee of \$1.00

Each additional defendant, 25 cts.

For writing affidavit, swearing applicant, recording and furnishing applicants with certified copy of record of intention to become a citizen of the United States, to be paid by the applicant, \$1.00.

For witnesses, administrators oath of naturalization, making record and furnishing applicant with certified copy of oath of naturalization, to be paid by the applicant, \$2.00.

For issuing and recording marriage license, writing and filing

affidavit, for swearing witness, and filing and recording certificate when returned, \$2.00.

For each examination of record for, and certificate and seal to, a borrower of school funds, 50 cts.

Examination of records within current year, 10 cts.

Examination of records for each year back, 10 cts.

For each writ of habeas corpus, to be paid for by applicant, 50 cts.

Each dedimus protestation, to be paid for by the person demanding the same, 75 cts.

Recording each certificate of corporation, election, filing same, and indexing order book, \$1.00.

For filing and registering each insurance certificate, 25 cts.

For each map or plat required to be copied, \$1.00.

For each certificate of election required by law to be issued to sheriff, to be paid out of the county treasury, on order of county commissioners, 50 cts.

For attendance on board of canvassers, making out and filing canvass sheet, and certificate of board, and for filing, recording and approving the tally papers and poll books of each precinct, the clerk shall be entitled to a fee, to be paid out of the county treasury, on order of commissioners, of \$3.00.

For issuing constables' commissions and endorsing oath of office thereon, to be paid by such constable, \$1.00.

For filing, recording, approving, registering on official register, qualifying principal and sureties, and acknowledgment on an official bond, to be paid by the party interested, \$1.00.

Clerks' fees in criminal causes, on a plea of guilty, at the term at which the indictment is found, for all services, including filing, entering, docketing and recording recognizance that may be required of him in connection therewith, except entering and attesting stay of execution, and cost that may thereafter accrue on execution of fee bills, a simple fee may be charged of \$5.00.

On a plea of not guilty, at the term at which the indictment is found, trial had by court, finding of guilty, judgment and sentence, for all services in such case, except for subpoenas in excess of one, entering and attesting replevin bail and issuing execution or fee bill, said clerk shall be entitled to a simple fee of \$6.00.

On a plea of not guilty, same as above, except a trial had by

jury instead of by court, he may charge in addition a fee of 50 cts.

For continuing a criminal cause from one term to the next, including order of continuance and docketing for each continuance, a simple fee may be charged of 50 cts.

For all services specially required of a clerk in a criminal cause, and not embraced in the cases enumerated immediately preceding this clause, the clerk shall tax and receive the same fee as is provided for a similar service in a civil cause.

CLERKS' FEES IN PROBATE MATTERS.

In probate matters the clerks' fees shall be as follows :

For letters of administration, testamentary or guardianship, including writing of and qualifying applicant to, and filing petition therefor, \$1.00.

Proving each will or codicil and endorsing certificate thereon, including oaths of witnesses and writing proof, \$1.00.

Taking and approving bond, qualifying administrator, guardian, executor or trustee, and writing certificate, \$1.00.

For codicil and proof, and probate thereof, per 100 words, 10 cts.

For recording will, bond, inventory or sale bill, per 100 words, 10 cts.

Giving each notice required by law, 25 cts.

Entering each written motion or order and reading the same, 10 cts.

For entering, examining, recording, docketing on general index—each account current—may for all services connected therewith, charge \$1.00.

Entering and filing each claim, and registering the same, 15 cts.

For all his services occasioned by petition of widow to have estate set off under the \$500 law, a simple fee of \$3.50.

SEC. 5. The clerk shall tax and keep an accurate account in proper fee books, of all fees and charges as required by this act, or other laws of this State, for any and all services performed by himself or his deputy, or performed by the sheriff or his deputies, and returned to him, and of all witnesses' claims, or other persons who may be entitled to and shall claim fees for their services; and it shall be the further duty of the clerk to make an index to the several records, fee books, dockets, and order books of his office, plainly referring to the entries therein, for which he may charge

in each cause the fee heretofore provided in this act; and such clerk shall also keep a cash book, in which he shall enter consecutively, and as received, each sum of money by him received, with the date of such receipt, with a brief mention of the cause or matter in which it was received; which shall be kept open for all inspection during his continuance in office, and shall be delivered to his successor in office. Such clerk shall also keep a register of witnesses' and other fees, not his own, in which he shall enter as soon as received the names of all persons alphabetically for whom money has been paid, into whose hands, stating plainly the name, in what cause, and on what fee book and page taxed, the amount so paid in, when paid into his hands, and when paid out; which book or register shall be at all times open for inspection in some conspicuous place in his office, and shall turn the same over to his successor in office. Such clerk shall, as soon as he receives any money, at once notify the party or his attorney to whom the money belongs that he has collected such money, but such clerk shall not charge any fee for such notice except for postage. When it shall become necessary for a clerk, treasurer, auditor, or recorder or sheriff to appoint a deputy, it shall be the duty of such officer to appoint such deputy in writing, and before allowing such deputy to enter upon the discharge of his duties as such, he shall require him to take and subscribe the oath of office prescribed by law upon the written appointment aforesaid, and to file a bond in such sum as such officer may determine, not to be less than two thousand dollars, with sureties to be approved by the clerk, and such appointment and bond to be filed in the clerk's office, the bond recorded, and appointment registered upon the official register.

SEC. 7. The fees and charges provided by this act from the time they are so entered and charged by the officers, shall have the force and effect of judgments at law in the several courts, and shall be a lien upon the real estate of the person or persons by whom made and to whom charged, and shall be collected upon the proper process by levy and sale, without relief from valuation or appraisement laws.

SEC. 8. If any of the officers named in this act shall tax any fees or make any charges for services not by him rendered and actually performed, or shall charge for services actually performed, or shall charge for services actually rendered, any higher fees than are

allowed by this act, any such officer shall be held liable to the party against whom such illegal fees shall be taxed, in a civil suit, for twice the sum so found to be illegally taxed or charged, and in such exemplary damages as the court trying the cause may deem proper.

SEC. 9. That in divorce suits the applicant shall, upon filing his or her complaint, if defendant be a non-resident, deposit in the hands of the clerk the sum of ten dollars in currency, as security for the costs; and if said costs be awarded against said non-resident defendant, or said defendant be worthless, then the sum so deposited shall be applied to the payment of such costs, and the surplus, if any, be paid to the plaintiff or attorney.

Provided, That no clerk shall be compelled to enter on the order book any decree of divorce until all costs are paid.

SEC. 10. The clerk shall receive three dollars per day for attending court, to be paid out of the county treasury.

SEC. 11. Any clerk who shall tax, charge, or demand any fee or fees not herein provided for, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than five nor more than one hundred dollars.

On motion by Mr. Daugherty, the Senate took a recess until 2 o'clock, p. m.

AFTERNOON SESSION.

Senate re-assembled, 2 o'clock p. m.

The President laid before the Senate the communication from Governor Baker, in relation to claim of W. H. H. Terrell.

Which was referred to the Committee on Claims.

Mr. Dittmore introduced Senate bill No. 331—an act fixing the time of holding commissioners' court in counties whose population exceeds thirty thousand, and declaring an emergency.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Haworth offered the following resolution :

Resolved by the Senate, (the House of Representatives concurring) that the State Librarian be directed, when purchasing books for the State Library, under the direction of the proper authorities, to procure a full set of the English and American Herd Books for the use of said Library, provided that said books can be bought for the sum of two hundred and fifty dollars or less.

Which was adopted.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following Senate bills, to-wit:

Engrossed Senate bill No. 4—a bill to provide for the assessment^t and collection of taxes for municipal purposes on the shares of stock owned in banks and banking associations doing business in this State.

Engrossed Senate bill No. 32—a bill to legalize the sale of seminary lands, in Jasper county, to Marion L. Spitler and Margaret Stackhouse, and directing how the proceeds of said sale shall be applied.

Engrossed Senate bill No. 153—a bill to amend an act entitled "An act to create a State Normal School, and declaring an emergency," etc.

And the same are herewith returned to the Senate.

I am also directed to inform the Senate that the House has passed, with accompanying engrossed amendments, the following Senate bill, to-wit:

Engrossed Senate bill No. 99—a bill to authorize sureties on notes, bills, bonds, or other instruments in writing, who have been compelled to pay the same for their principals, to collect off such principals, interest on the amount paid by such sureties at the rate provided for in such original notes, bills, bonds, or other instruments in writing, held against such principals.

And the Senate is respectfully requested to concur in said amendments.

I am also directed to inform the Senate that the House has passed the following Joint Resolution, to-wit:

House Joint Resolution No. 10—a Joint Resolution to give Union soldiers and sailors of the late war of the recent rebellion a bounty land warrant for one hundred and sixty acres.

And the same is herewith submitted to the Senate for its action thereon.

Mr. Bird submitted the following report:

MR. PRESIDENT:

The Select Committee to whom was referred Senate Joint Resolution No. 11—a joint resolution instructing our Senators and requesting our Representatives in Congress to use all proper means to secure the establishment of a District Court for Northern Indiana, at the city of Fort Wayne; also, a distributing post office at said city and obtain an appropriation for the erection of a suitable building for the purposes contemplated by said resolution, have had the same under consideration and report the same back to the Senate with the recommendation that it be amended as follows:

First. Strike out the title.

Second. Strike out the words "General Assembly of the State of Indiana" in lines thirteen and fourteen, and insert in lieu thereof, these words "Senate, the House of Representatives concurring," and when so amended your committee recommend that the same do pass.

Which was concurred in.

Mr. Thompson offered the following concurrent resolution:

WHEREAS, It is represented that prior to the special session of this General Assembly, the State Librarian purchased of Braden and Burford certain stationery and blank books for the use of the General Assembly;

AND WHEREAS, It is further represented that a large portion of such stationery has been actually used by the General Assembly;

AND WHEREAS, It is further represented that the Auditor has refused to allow the claim of said Braden and Burford because of want of authority for said purchase;

AND WHEREAS, It is just and right that this General Assembly should make suitable provisions for its own actual expenses; therefore,

Resolved by the Senate, (the House of Representatives concurring,)
That the Joint Committee on the Public Library be authorized and required to investigate the alleged facts above recited, also to ascertain the quantity, kinds, and prices of said stationery, the amount used, and unused, and to report the facts, and to recommend what action, if any, should be taken by this General Assembly in the premises.

Which was referred to the Committee on Libraries.

Mr. Brown submitted the following report:

MR. PRESIDENT:

The Committee on Railroads, to whom was referred Senate bill No. 328—an act to authorize railroad companies to change their termini in certain cases—have had the same under consideration and recommend its passage.

Which was concurred in.

Mr. Dwiggins presented the claims of David Harris, John Nelson, James W. McGraw, Frank Black, E. H. Meniffee and A. L. Branson, in the Burson and Klein case.

Which were referred to the Committee on Claims without reading.

Mr. Boone submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 294—a bill to amend an act entitled "An act to provide for

a uniform assessment of property, and for the collection and return of taxes thereon," approved December 21, 1872, have had the same under consideration, and have directed me to report the same back with the following amendments: Strike out of the fourth line of section one the words "of said act," and insert in lieu thereof the words "An act entitled an act for the uniform assessment of property, and for the collection and return of taxes thereon," approved December 21, 1872. Strike out section three of the bill and insert in lieu thereof section three. That sections 255, 256 and 257 of said act be, and the same are hereby repealed. In section six, line twenty-one, after the word "of" insert the words "three dollars," and at the end of line twenty-two of said section six, after the word "receipts," insert the words "for passengers and one dollar on every one hundred dollars of said receipts for freights." Add to the title these words, "and to repeal certain sections of the same," in this act specified, and when so amended the committee recommend its passage.

Which was concurred in.

Mr. Williams moved to suspend the order of business, and take up Senate bill 294—an act to amend an act entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," approved December 21, 1872.

Which was agreed to.

Mr. Howard moved to recommit the bill to the Committee on the Judiciary, with instructions to so amend the bill as to allow the assessors until August 1st of each year to complete and return the assessment of real and personal property.

Mr. Williams moved to lay the motion on the table.

Which was not agreed to.

The question being on the motion by Mr. Howard to recommit the bill to the Committee on the Judiciary with instructions.

Messrs. Williams and Rhodes demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Bowman, Brown, Bunyan, Cave, Dwiggins, Fuller, Francisco, Glessner, Gregg, Haworth, Hough, How-

ard, Hubbard, Neff, Rhodes, Scott, Sleeth, Smith, Steele, Thompson and Winterbotham—25.

Those who voted in the negative were, Messrs. Boone, Carnahan, Chapman, Collett, Daggy, Dittemore, Friedley (of Scott), Hall, Harney, Miller, Ringo, Sarnighausen, Taylor and Williams—14.

So the motion was agreed to.

Mr. Daugherty moved that the committee be further instructed as follows: Further instruct the committee to reinstate sections 255, 256 and 257 of the original law.

Mr. Bunyan moved to lay the motion and instructions by Mr. Daugherty on the table.

Messrs. Bunyan and Harney demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Boone, Bowman, Brown, Bunyan, Cave, Collett, Daggy, Fuller, Francisco, Glessner, Gooding, Gregg, Haworth, Howard, Oliver, Scott, Smith, Steele Stroud, Taylor and Thompson—23.

Those who voted in the negative were, Messrs. Armstrong, Bird, Carnahan, Chapman, Daugherty, Dittemore, Dwiggins, Friedley (of Scott), Hall, Harney, Hough, Hubbard, Miller, Rhodes, Ringo, Sarnighausen, Slater, Sleeth, Wadge, Williams, and Winterbotham—21.

So the motion to lay on the table was agreed to.

Mr. Dwiggins moved to reconsider the vote adopting amendment to sections eight and nine.

Mr. Williams moved to lay the motion on the table.

Messrs. Williams and Slater demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beeson, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Collett, Daggy, Dittemore, Fuller, Francisco, Friedley (of Scott), Glessner, Gregg, Hall, Harney, Haworth, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Stroud, Taylor, Thompson and Williams—30.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Bird, Chapman, Daugherty, Dwiggins, Hough, Howard, Hubbard, Miller, Smith, Steele, Wadge and Winterbotham—14.

So the motion to lay on the table was agreed to.

Mr. Sleeth offered the following instructions to the committee : To investigate the propriety of repealing section fifty-seven, and to strike out the word "banking" where the same occurs in the first line of section fifty-nine.

Which was not agreed to.

Mr. Haworth asked and obtained leave of absence until Friday next.

The Senate resumed the consideration of Senate bill No. 292.

The question being on the adoption of the substitute offered by Mr. Dwiggins,

Mr. Dittemore moved to lay the substitute on the table.

Messrs. Hall and Dwiggins demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Bird, Brown, Carnahan, Chapman, Daggy, Daugherty, Dittemore, Fuller, Friedley (of Scott,) Gooding, Gregg, Harney, Hough, Miller, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Slater, Smith, Steele, Williams and Winterbotham—24.

Those who voted in the negative were, Messrs. Armstrong, Beeson, Cave, Collett, Dwiggins, Francisco, Hall, Howard, Hubbard, Scott, Sleeth, Stroud, Taylor and Wadge—14.

So the substitute was laid on the table.

Mr. Brown offered the following amendment :

Add at the end of section five, "for each mile traveled in going to Indianapolis and return, to settle with the Auditor of State, each way, ten cents."

Which was adopted.

Mr. Cave offered the following amendment:

SECTION 5. Treasurers of the several counties shall receive the fees below enumerated, and no other: Five per cent. on the first twenty-five thousand dollars of taxes collected; three per cent. on the amount between twenty-five thousand dollars and seventy-five thousand dollars; and one per centum on all amounts above seventy-five thousand dollars; also five per centum on all delinquent taxes collected where paid voluntarily and without levy, and ten per centum if paid after levy.

Mr. Daugherty offered the following substitute: Amend by striking out all of section five, and inserting the following:

SECTION 5. The county treasurers of the several counties shall receive the fees below enumerated, and no others, to-wit: Four per centum on the first fifty thousand dollars of taxes collected; and one per centum on the amount above fifty thousand dollars; also five per centum on all delinquent taxes collected, when paid voluntarily and without levy; and ten per centum if paid after levy; for receiving and disbursing all funds, other than taxes and school funds, they shall receive five per centum.

Mr. Brown moved to lay the substitute and amendment on the table.

Which was agreed to.

Mr. Sleeth offered the following amendment:

Provided, however, that the treasurer shall only receive one per centum for receiving and disbursing moneys borrowed by the county.

Which was adopted.

Mr. Howard offered the following amendment:

Amend by striking out all of section 5 after the words "section 5," and insert the following:

The county treasurer's fees for collecting taxes shall be eight per cent. on the first one thousand dollars, seven per cent. on the amount between one and two thousand dollars; six per cent. on the amount

between two and three thousand dollars; five per cent. on the amount between three and four thousand dollars; four per cent. on the amount between four and fourteen thousand dollars; three per cent. on the amount between fourteen and twenty-five thousand dollars; two per cent. on the amount between twenty-five and seventy-five thousand dollars; and on all sums over seventy-five thousand dollars, one per cent. Also, eight per cent. on all delinquent taxes collected, and for receiving and disbursing all funds other than taxes, school funds, and funds derived from the sale of county bonds, five per cent.; and eight cents per mile for every mile traveled to make settlements with the Auditor and Treasurer of State; and he shall not receive any fee or compensation whatever other than as above designated.

Mr. Brown moved to lay the amendment on the table.

Which was agreed to.

Mr. Cave offered the following amendment:

SECTION 5. The County Treasurers shall receive five per centum on the first twenty-five thousand dollars.

Mr. Chapman moved to lay the amendment on the table.

Which was agreed to.

Mr. Brown offered the following amendments: Strike out \$1.00, and insert \$5.00. Strike out \$1.00, and insert \$2.50.

Mr. Hall moved to lay the amendment on the table.

Which was agreed to.

Mr. Glessner offered the following amendment: Strike out of lines thirty and thirty-one the words "and county commissioners."

Mr. Dittemore moved to lay the amendment on the table.

Which was agreed to.

Mr. Brown offered the following amendment: "And shall be allowed the same fees therefor as are allowed to the clerk of the circuit court."

Mr. Rhodes offered the following amendment: "Auditors shall be allowed two per cent. on disbursements of school revenue."

Mr. Williams offered the following amendment to the amendment: "Interest on the school fund."

Mr. Rhodes offered the following substitute for the amendment and amendment to the amendment: "One-fourth of one per cent. on all school funds disbursed by the auditor."

Which was adopted.

Mr. Glessner offered the following amendment: "For searching records the same fees as are allowed clerks of the circuit courts."

Mr. Brown moved to lay the amendment on the table.

Which was agreed to.

Mr. Brown offered the following amendment: Strike out "50" and insert "100" in line 8, page 36.

Mr. Hough moved to lay the amendment on the table.

Messrs. Brown and Daugherty demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Bunyan, Chapman, Daggy, Francisco, Friedley (of Scott), Glessner, Gregg, Hall, Harney, Hough, Neff, Rhodes, Ringo, Sarnighausen, Scott, Steele, Williams and Winterbotham—18.

Those who voted in the negative were, Messrs. Armstrong, Beeson, Bird, Boone, Bowman, Brown, Carnahan, Cave, Collett, Daugherty, Dittemore, Dwiggins, Fuller, Howard, Hubbard, Miller, Oliver, Sleeth, Smith, Stroud, Thompson and Wadge—22.

So the amendment was not laid on the table.

The question being on the adoption of the amendment offered by Mr. Brown.

Messrs. Dittemore and Brown demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bowman, Brown, Carnahan, Cave, Daugherty, Dittemore,

Dwiggins, Fuller, Howard, Oliver, Slater, Sleeth, Stroud, Thompson and Wadge—17.

Those who voted in the negative were, Messrs. Bird, Boone, Bunyan, Chapman, Collett, Daggy, Francisco, Friedley (of Scott), Glessner, Gregg, Hall, Harney, Hough, Hubbard, Miller, Neff, Rhodes, Ringo, Sarnighausen, Scott, Smith, Steele, Williams and Winterbotham—24.

So the amendment was not adopted.

Mr. Glessner offered the following amendment: Strike out of line thirty-one “\$3.00” and insert “\$2.00.”

Mr. Brown moved to lay the amendment on the table.

Which was agreed to.

Mr. Cave offered the following amendment: Amend section eight; in line three, page 7, strike out “fifty cents” and insert “one dollar.”

Which was not adopted.

Mr. Scott offered the following amendment: “For taking each convict to the State Prison, per mile, going and returning, 15 cts., and for each additional convict taken at the same time, the actual expenses of the additional convict, which shall be paid out of the State Treasury, on certificate of the Warden of the Prison.”

Which was adopted.

Mr. Dwiggins offered the following amendment: “Serving a writ of attachment when property is taken, and mileage as above, 50 cts.

Which was adopted.

Mr. Rhodes offered the following amendment: Strike out section twenty-seven, and insert:

SEC. 27. The sheriff shall appoint such number of bailiffs during each term of court, not to exceed three for the Grand Jury, one for the regular petit jury, and one for the court, as the business may require. If more than two riding bailiffs shall be needed by

the Grand Jury to serve its process, the foreman shall make such fact known to the Judge, and it shall then be the duty of each judge to furnish such Grand Jury with the additional assistance that is needed. There shall be allowed to such bailiffs, by the court, and paid by the County Treasurer, the following compensation: For each riding bailiff for the Grand Jury, for the time actually employed, at the rate of three dollars per day. For each bailiff, other than riding bailiff, for the time actually employed, at the rate of \$2.00 per day.

Mr. Brown moved to lay the amendment on the table.

Messrs. Glessner and Cave demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Boone, Bowman, Brown, Carnahan, Chapman, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Harney, Hubbard, Ringo, Scott, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge and Williams—25.

Those who voted in the negative were, Messrs. Bunyan, Cave, Collett, Francisco, Friedley (of Scott), Glessner, Gregg, Hall, Hough, Howard, Miller Neff, Rhodes, Sarnighausen and Winterbotham—15.

So the amendment was laid on the table.

Mr. Ringo offered the following amendment: "To be paid by the county requiring the services."

Which was adopted.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following bill, to-wit:

Engrossed House bill No. 312—a bill to provide against intoxication on the part of public officers and to provide for their removal from office, therefor, and the same is herewith submitted to the Senate for its action thereon.

Mr. Sleeth offered the following amendment:

S. J.—45

"But the sheriff shall make out an itemized statement of all such services performed for such board before such allowance is made."

Which was adopted.

Mr. Scott offered the following amendment:

"The sheriff shall appoint as many bailiffs at each term of the court as the business of the court and grand jury shall require under the advice and consent of the judge of the court."

Mr. Cave offered the following amendment to the amendment: Amend so as make court bailiffs \$2.50, and riding bailiffs \$3.50.

Which was adopted.

The question being on the adoption of the amendment by Mr. Scott as amended.

Which was adopted.

Mr. Glessner offered the following amendment:

***Provided*, That the aggregate allowance to any sheriff, shall not exceed the sum of one hundred dollars per annum.**

Mr. Brown moved to lay the amendment on the table.

Which was agreed to.

Mr. Howard offered the following amendment:

"The fees taxed by the bailiff on any process served by him shall be paid into the county treasury."

Mr. Rhodes offered the following amendment to the amendment:

"And such fees shall be collected and paid into the county treasury."

Which was adopted.

The question being on the adoption of the amendment as amended.

Which was adopted.

Mr. Slater offered the following amendment:

Strike out all between the words "to-wit" and the words "and in case," in section nine and insert the following: For each notice per square, brevier measure, for first insertion \$1.25, for each additional insertion 75 cents.

Mr. Hall offered the following amendment to the amendment offered by Mr. Slater.

"For each advertisement per square of 250 ems, first insertion, \$1.25, for each additional insertion, 75 cents.

Which was agreed to.

The question being on the adoption of the amendment by Mr. Slater as amended.

Which was adopted.

On motion by Mr. Glessner, the Senate adjourned.

LEONIDAS SEXTON,
President of the Senate.

THURSDAY MORNING.

FEBRUARY 27, 1873, 10 O'CLOCK.

Senate met.

Mr. Scott moved that the reading of the Journal of yesterday be dispensed with.

Which was agreed to.

Mr. Scott called up his resolution changing the rules of the Senate so as to hold night sessions.

Mr. Dwiggins moved to amend by making the business of the night sessions the reading of House bills a first time.

Mr. Dittemore moved to lay the resolution on the table.

Messrs. Bunyan and Collett demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Bird, Brown, Carnahan, Cave, Daggy, Daugherty, Dittemore, Fuller, Francisco, Glessner, Orr, Ringo, Sleeth, Steele and Williams—15.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bowman, Bunyan, Chapman, Collett, Dwiggin, Friedley (of Scott,) Gooding, Gregg, Hall, Harney, Howard, Hubbard, Miller, Neff, Rosebrugh, Sarnighausen, Scott, Taylor, Wadge and Winterbotham—24.

So the motion to lay on the table was not agreed to.

The question being, on the adoption of the amendment offered by Mr. Dwiggin.

It was adopted.

The question being on the adoption of the resolution as amended,

It was adopted.

Mr. Hall offered the following resolution :

Resolved, That a special committee of five be appointed to select and report by number and title, the bills which, in their opinion, should be first acted upon. The bills so reported shall be acted on by the Senate in the order in which they now appear on the calendar, before any other bills not favorably reported upon shall be acted on by the Senate.

Mr. Orr moved to lay the resolution on the table.

Which was agreed to.

By unanimous consent, Mr. Beardsley submitted the following report :

MR. PRESIDENT :

The Committee on Benevolent Institutions, to whom Senate

bill No. 318, making further provision for the insane, was referred, report it back with the recommendation that it may pass.

Which was concurred in.

By unanimous consent, Mr. Wadge submitted the following report :

MR. PRESIDENT :

The Committee on Prisons, to whom was referred Senate bill No. 325—a bill for an act to authorize the Governor of the State to exchange with Peter Donnelly certain lands therein described, have had the same under advisement, and would recommend its passage.

Which was concurred in.

By unanimous consent, Mr. Wadge submitted the following report : •

MR. PRESIDENT :

The Committee on Prisons, to whom was referred House bill No. 245, entitled “ A bill to provide for the paroling of prisoners who may be confined in any county jail, for the non-payment of fines which may have been adjudged against them upon conviction of public offences, have had the same under consideration, and would recommend its passage.

Which was concurred in.

By unanimous consent, Mr. Sarnighausen submitted the following report :

MR. PRESIDENT :

The Committee on Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill No. 282, entitled “ An act to amend an act, entitled an act providing for the organization of county boards, and prescribing some of their powers and duties, approved June 17, 1852, have had the same under consideration, and directed me to report it back with the recommendation to add the following section :

SECTION —. Before such sale is made, three appraisers shall be appointed by the judge of the circuit court of said county, who shall take an oath for the faithful fulfillment of their duties. Said appraisers not to be county officers or relatives to them, and shall have to appraise the real estate to be sold, and to deliver their report to the county commissioners three days before the sale, and no sale shall be made except for the full value of the real estate so appraised, and with that amendment your committee recommend that the bill do pass.

Which was concurred in.

By unanimous consent, Mr. Gregg submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 224, entitled "An act for the relief of Nicholas Morback, Joseph E. Lang and Francis Joseph Wetzler," have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it do pass.

Which was concurred in.

By unanimous consent, Mr. Gooding submitted the following report:

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 329, entitled "An act to amend the title of an act entitled an act concerning licenses to vend foreign merchandise ; to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain," approved June 15, 1852, have had the same under consideration, and direct me to report the same back and recommend that the following bill be substituted in place thereof and passed, which substitute is herewith submitted :

An act concerning licenses to vend foreign merchandise ; to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show, legerdemain, ventriloquism, concert, theatrical performances, show or any other exhibition.

Which was concurred in and bill read a first time.

Mr. Dittemore moved to suspend the order of business and take up Senate bill No. 224, and consider it engrossed and the bill read a third time.

Which was agreed to.

Senate bill No. 224—an act for the relief of Nicholas Morback, Joseph E. Lang and Francis Joseph Wetzler.

Which was read a third time.

The question being shall the bill pass.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Bird, Boone, Bowman, Brown, Carnahan, Cave, Daugherty, Dittemore, Dwiggins, Francisco, Glessner, Gooding, Gregg, Hall, Howard, Hubbard, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge and Winterbotham—31.

Those who voted in the negative were, Messrs. Beeson, Bunyan, Chapman, Hough, Miller, Neff, Orr and Williams—8.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

By unanimous consent, Mr. Brown introduced Senate bill No. 333—a bill for the relief of the indigent cripples of the State of Indiana.

Which was read a first time and referred to the Committee on Benevolent Institutions.

Mr. Neff presented the following report:

MR. PRESIDENT:

The Engrossing Committee, to whom was referred Senate bill

No. 227—providing for the empanneling a jury other than a regular panel in certain cases in the superior courts, circuit courts and courts of common pleas of this State, report that the said committee have carefully examined the same and find it correctly engrossed.

Mr. Neff submitted the following report:

MR. PRESIDENT:

The committee to whom was referred Engrossed Senate bill No. 120, to protect the ballot box, to procure a fair election, to define felonies and prescribe punishment therefor, report that said committee have carefully examined the same, and find it correctly engrossed.

Mr. Neff submitted the following report:

MR. PRESIDENT:

The committee to whom was referred Engrossed Senate bill No. 231, an act to amend an act granting to the citizens of the town of Evansville a city charter, approved February 4, 1848, have carefully examined the same and find it correctly engrossed.

Mr. Neff submitted the following report:

MR. PRESIDENT:

The Engrossing Committee, to whom was referred Engrossed Senate bill No. 268—a bill to authorize the transfer of funds raised under the provisions of an act for the relief of soldiers, approved March 4, 1865, report that the said committee have carefully examined the same, and find it correctly engrossed.

Mr. Dittemore moved to reconsider the vote recommitting Senate bill 294 to the Committee on the Judiciary.

Mr. Brown moved to lay the motion on the table.

Messrs. Dittemore and Bird demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong,

Beardsley, Beeson, Brown, Bunyan, Collett, Daggy, Dwiggin, Glessner, Hall, Hough, Howard, Hubbard, Miller, Neff, Orr, Rhodes, Ringo, Sarnighausen, Sleeth, Smith and Wadge—22.

Those who voted in the negative were, Messrs. Bird, Boone, Bowman, Carnahan, Cave, Chapman, Daugherty, Dittemore, Fuller, Francisco, Gregg, Harney, Scott, Slater, Steele, Stroud, Taylor, Thompson, Williams and Winterbotham—20.

So the motion to lay on the table was agreed to.

By unanimous consent Mr. Hall submitted the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate bill No. 264—a bill to amend the fourth, fifth, twenty-sixth, thirty-fifth, forty-third and fifty-eighth sections of an act entitled, "An act granting to the citizens of the town of Evansville, in the county of Vanderburgh, a city charter," approved July 27, 1847, have considered the same, and a majority of the committee direct me to report the following amendments, to-wit: Add the following words to second section:

Provided, That no member of the common council shall be allowed a greater sum than \$150 in any one year for all services rendered by him as such member.

Strike out section six. After which they recommend the passage of the bill.

Which was concurred in.

Mr. Sleeth submitted the following report:

MR. PRESIDENT:

The Committee on Claims respectfully report that they have had under consideration the claim of Theodore McCoy, late clerk of the Supreme Court for \$3,200 for extra clerk hire for four years from Nov. 12, 1868 to Nov. 12, 1872, and herewith return the same and recommend its reference to the joint committee on claims, as it is believed it was referred to this committee by mistake.

Which was concurred in.

Mr. Slater submitted the following report :

MR. PRESIDENT :

The Committee on Engrossed bills would respectfully report that they have examined and compared the following Senate bill, No. 250, entitled, a bill to further prescribe the duties of Secretary of State and to provide for the necessary arrangements, clerks, and expenses of his office, and find the same correctly engrossed.

Mr. Hall submitted the following report :

MR. PRESIDENT :

The Committee on Engrossed bills have examined and compared the following bill and find the same correctly engrossed :

An act authorizing incorporated cities containing a population of 30,000 to make laws and prescribing rules and regulations concerning the borrowing of moneys by such cities.

Mr. Dwiggins moved to take up Senate bill No. 229, together with the reports of the Committee on the Judiciary thereon.

Which was agreed to.

The question being on concurring in the minority report of the committee.

Mr. Hubbard moved to lay the report on the table.

Messrs. Brown and Dittermore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Bunyan, Daggy, Daugherty, Dwiggins, Fuller, Friedley (of Scott), Gooding, Hall, Hough, Howard, Hubbard, Miller, Orr, Rhodes, Ringo, Scott, Steele, Taylor, Thompson and Wadge—22.

Those who voted in the negative were, Messrs. Beeson, Bird, Boone, Bowman, Brown, Carnahan, Cave, Chapman, Collett, Dittermore, Francisco, Harney, Rosebrugh, Sarnighausen, Slater, Sleeth, Smith, Stroud, Williams and Winterbotham—20.

So the motion to lay on the table was agreed to.

The question being, on concurring in the majority report of the committee.

Which was concurred in and the bill ordered engrossed.

Mr. Scott moved to take up Senate bill No. 292.

Which was agreed to.

Mr. Glessner offered the following amendment:

“ Unless such recorder shall provide such printed record at his own expense.”

Mr. Chapman moved to lay the amendment on the table.

Which was agreed to.

Mr. Sleeth offered the following amendment: Amend by inserting between the words “on hand” and the word “belonging,” these words “and now in use.”

Which was adopted.

Mr. Dwiggin offered the following amendment: Amend section thirteen :

“ Services in locating roads by authority of law per day and ten cents per mile, necessarily traveled, \$2.50.

Which was adopted.

Mr. Hough submitted the following amendment: Amend section thirteen by striking out the words “per mile,” in line five, and inserting in lieu thereof the words “for each mile necessarily traveled,” and further by striking out the figures 25 in same line and inserting in lieu thereof the figures 10.

Mr. Sleeth offered the following amendment to the amendment: Strike out the figures “10” and insert in lieu thereof “15.”

Mr. Hough moved to lay the amendment to the amendment on the table.

Messrs. Dittemore and Williams demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Bird, Boone, Bowman, Bunyan, Cave, Collett, Fuller, Francisco, Friedley (of Scott), Glessner, Gregg, Harney, Hough, Neff, Orr, Ringo, Rosebrugh, Sarnighausen, Scott, Steele, Stroud, Taylor, Thompson, and Williams—25.

Those who voted in the negative were, Messrs. Beeson, Carnahan, Chapman, Daugherty, Dittemore, Dwiggins, Hall, Howard, Hubbard, Miller, Rhodes, Slater, Sleeth, Smith, Wadge, and Winterbotham—16.

So the amendment to the amendment was laid on the table.

The question being on the adoption of the amendment by Mr. Hough.

It was adopted.

Mr. Dittemore offered the following amendment: Strike out 10 cents and insert 20 cents.

Mr. Cave moved to lay the amendment on the table.

Which was agreed to.

Mr. Hough offered the following amendment: Amended section thirteen by striking out figure 2 in line six, and inserting in lieu thereof figure 1.

Mr. Dittemore moved to lay the amendment on the table.

Messrs. Hough and Orr demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beeson, Boone, Bowman, Carnahan, Cave, Chapman, Collett, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Glessner, Gregg, Howard, Hubbard, Miller, Rhodes, Rosebrugh, Scott, Sleeth, Smith, Stroud, Taylor, Thompson, Wadge, and Winterbotham—27.

Those who voted in the negative were, Messrs. Armstrong, Bunyan, Friedley (of Scott), Hall, Harney, Hough, Neff, Orr, Ringo, Sarnighausen, Slater, Steele, and Williams—13.

So the amendment was laid on the table.

Mr. Sleeth offered the following amendment: Amend section thirteen, line six, so as to read as follows: Attending court per day to testify as a skilled witness in relation to any survey.

Which was adopted.

Mr. Glessner offered the following amendment: Strike out the figures \$3.00 in line seven, page 60, and insert \$2.00.

Which was adopted.

Mr. Glessner offered the following amendment: Lines thirteen and fourteen, strike out \$2.50 and insert \$1.00.

Which was adopted.

Mr. Taylor offered the following amendment: In section fourteen, strike out \$4.00 and insert \$5.00.

Mr. Hough moved to lay the amendment on the table.

Messrs. Slater and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Bowman, Bunyan, Carnahan, Daggy, Dwiggins, Fuller, Francisco, Friedley (of Scott,) Hall, Hough, Howard, Miller, Neff, Orr, Sarnighausen, Scott, Steele and Winterbotham—19.

Those who voted in the negative were, Messrs. Beeson, Boone, Cave, Chapman, Collett, Daugherty, Dittemore, Glessner, Gregg, Harney, Hubbard, Rhodes, Ringo, Rosebrugh, Slater, Sleeth, Smith, Stroud, Taylor, Thompson, Wadge and Williams—22.

So the motion to lay on the table was not agreed to.

On motion by Mr. Daugherty, the Senate took a recess until two o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled at 2 o'clock.

By unanimous consent, Mr. Glessner introduced Senate bill No. 334—a bill relating to evidence and bills of exceptions in cases of appeal.

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Orr submitted the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate concurred resolution in relation to the reports of the Adjutant General, now on deposit in the office of the State Librarian, have had the same under consideration, and have directed me to return the same with the following amendments :

After the word "member" in line thirteen, insert the words "clerk and assistant clerk, door-keeper and assistant door-deeper." Also in line thirteen strike out the word "employee." And when so amended the committee recommend that it do pass.

Which report was concurred in and the resolution adopted.

Mr. Hubbard moved to reconsider the vote, upon which Senate bill No. 27 failed to pass.

A bill to legalize certain acts of corporations, organized or attempted to be organized, under and by virtue of an act entitled "An act authorizing the construction of plank, Macadamized and gravel roads," approved May 12, 1852, and acts supplemental thereto.

Which was agreed to and the bill referred to the Committee on the Judiciary.

By unanimous consent, Mr. Williams introduced Senate bill No. 335—a bill concerning deeds to schools, Saline University and sinking fund lands, and legalizing certain deeds heretofore made for such lands.

Was read a first time and referred to the Committee on the Judiciary.

Mr. Gooding introduced Senate bill No. 336—an act to fix and determine the boundary line between the States of Kentucky and Indiana, above and near Evansville.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Orr introduced Senate bill No. 337—a bill to amend section one of “An act for the protection of the Sabbath, and providing penalties for the desecration thereof,” approved February 28, 1855.

Which was read a first time.

Mr. Slater moved to reject the bill.

Messrs. Slater and Orr demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Bowman, Brown, Cave, Collett, Dwiggin, Fuller, Slater, Stroud, Wadge and Winterbotham—10.

Those who voted in the negative were, Messrs. Armstrong, Beeson, Bunyan, Carnahan, Daugherty, Francisco, Friedley (of Scott,) Glessner, Gooding, Harney, Hough, Hubbard, Miller, Neff, Oliver, Orr, Ringo, Rosebrugh, Sarnighausen, Scott, Smith, Taylor, Thompson and Williams—24.

So the bill was not rejected.

On motion, the bill was referred to the Committee on Rights and Privileges.

Mr. Hough submitted the following report:

MR. PRESIDENT:

The Committee on State Library, to whom was referred the resolution offered by Senator Thompson, entitled “A concurrent resolution concerning certain stationery purchased by the Librarian for the use of the General Assembly,” have had the same under consideration, and have directed me to return the same to the Senate with the recommendation that the same be adopted.

Which report was concurred in, and the resolution adopted.

Mr. Slater submitted the following report :

MR. PRESIDENT :

The Committee on Phraseology and Arrangement of Bills and Engrossed Bills respectfully report that they have examined and compared engrossed Senate bill No. 245, entitled "a bill to provide for the letting of the State printing to the lowest bidder, and providing that the Governor, Secretary of State and Auditor of State shall be, *ex officio*, commissioners of public printing, and providing for the appointment of a superintendent of public printing, and abolishing the office of State printer," and find the same correctly engrossed

The Senate resumed the consideration of Senate bill No. 292.

Mr. Cave offered the following amendment: Amend section fifteen; in lines two and three, strike out "two dollars and fifty cents" and insert "two dollars."

Mr. Orr moved to lay the amendment on the table.

Which was agreed to.

Mr. Dwiggin offered the following amendment: Amend section fifteen; striking out at the close of the section the words "including expenses."

Which was adopted.

Message from the House by Mr. Nixon, Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following concurrent resolution :

Resolved by the House of Representatives, (the Senate concurring,) There be appointed a committee of seven, four from the House and three from the Senate, who shall prepare a bill providing for the plan and estimates of the cost of a new State House, the

same to be submitted to the next General Assembly of this State for their approval or rejection, and the same are herewith submitted to the Senate for its action thereon.

Mr. Hubbard moved to suspend the order of business and take up message from the House.

Which was not agreed to.

Mr. Scott offered the following substitute for section sixteen :

CIRCUIT, CRIMINAL CIRCUIT AND DISTRICT PROSECUTING ATTORNEYS.

SEC. 16. The Circuit, Criminal Circuit and District Prosecuting Attorneys' fees shall be as follows: For docket fee on plea of guilty in felonies, \$7.00; docket fee on plea of guilty in misdemeanors, \$5.00; docket fee before a justice of the peace, on plea of guilty, or on conviction, \$5.00; docket fee in divorce case, when successfully resisted, and to be taxed as costs and paid by the losing party, \$5.00; docket fee upon forfeited recognizance, \$10.00, and when he prosecutes to final judgment against the defendant, ten per cent. on money collected; docket fee on plea of not guilty in felonies, \$10.00; docket fee on plea of not guilty in misdemeanors, \$7.00. In all other cases where the Circuit, Criminal Circuit, or District Prosecuting Attorney is required to prosecute or defend, the fee shall be \$10.00.

Mr. Orr offered the following amendment to the substitute: Amend section sixteen, line nine; strike out "ten" and insert "five."

Mr. Daugherty moved to lay the amendment on the table.

Which was agreed to.

The question being, on the adoption of the substitute?

Mr. Slater offered the following amendment: Strike out "five dollars," in line seven, in section sixteen, and insert "three dollars" in the substitute offered by the Senator from Vigo.

Mr. Daugherty moved to lay the amendment on the table.

Messrs. Slater and Cave demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beeson, Cave, Collett, Daugherty, Dwiggin, Fuller, Glessner, Gooding, Hall, Hough, Hubbard, Oliver, Rhodes, Scott, Stroud, Taylor, Thompson, Wadge and Winterbotham—19.

Those who voted in the negative were, Messrs. Armstrong, Bowman, Brown, Bunyan, Carnahan, Chapman, Francisco, Harney, Howard, Miller, Neff, Orr, Ringo, Rosebrugh, Sarnighausen, Slater, Smith and Williams—18.

So the amendment was laid on the table.

The question recurring on the adoption of the substitute.

It was adopted.

Mr. Glessner offered the following amendment: In line two, section seventeen, strike out "twenty-five" and insert "forty."

Which was adopted.

Mr. Glessner offered the following amendment: In line five, section seventeen, strike out "twenty-five" and insert "forty."

Which was adopted.

Mr. Glessner offered the following amendment: In line seven, section seventeen, strike out "twenty-five" and insert "forty."

Which was adopted.

Mr. Dwiggin offered the following amendment: Amend section seventeen by striking out of line thirteen the words "more than one hundred."

Which was adopted.

Mr. Glessner offered the following amendment: In line fourteen, section seventeen, strike out "twenty" and insert "forty."

Which was adopted.

Mr. Glessner offered the following amendment: Amend line seventeen, section seventeen, as follows:

Every time where defense is made, \$1.00; for additional day after the first, \$1.00.

Which was adopted.

Mr. Glessner offered the following amendment: In line twenty-one, section seventeen, strike out "twenty-five" and insert "forty."

Which was adopted.

Mr. Glessner offered the following amendment: In line twenty-three, section seventeen, strike out "twenty-five" and insert "thirty-five."

Which was adopted.

Mr. Glessner offered the following amendment:

In line twenty-four, section seventeen, strike out "25" and insert "40."

Which was adopted.

Mr. Glessner offered the following amendment:

In lines thirty-two and thirty-three, section seventeen, strike out "5" and insert "10."

Which was adopted.

Mr. Slater offered the following amendment:

Amend by inserting in all jurors' fees, in section eighteen, "five cents per mile."

Which was adopted.

Mr. Orr offered the following amendment:

Amend section twenty-one, line two, strike out "75 cents" and insert "\$1.00."

Mr. Smith moved to lay the amendment on the table.

Which was agreed to.

Mr. Scott offered the following amendment:

Amend section twenty-one, line two, by striking out the words as above at end of line, and inserting the words "and five cents per mile."

Which was adopted.

Mr. Hall offered the following amendment: Section twenty-three add "mileage at five cents per mile."

Mr. Daggy offered the following amendment to the amendment:

Amend section twenty-three: "empanneling and swearing a jury and witnesses, and making and returning inquisition for the view of each body, \$10.00 for the first day and \$5.00 for each additional day, and mileage at five cents per mile.

Which was adopted.

The question being on the adoption of the amendment as amended:

It was adopted.

Mr. Winterbotham offered the following amendment:

For each day actually employed in the business of the township, \$2.50; but in estimating such number of days, fractions of a day less than one-half shall not be counted, and fractions of a day greater than one-half, shall be counted as a whole day.

Mr. Dwiggins offered the following amendment to the amendment: Amend section twenty-four by striking out \$2.50, and insert in lieu thereof \$3.00.

The question being on the adoption of the amendment to the amendment:

Messrs. Hough and Cave demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Boone, Bowman, Carnahan, Chapman, Collett, Daggy, Dittemore, Dwiggins, Francisco, Gooding, Hall, Howard, Hubbard, Orr, Rhodes, Sarnighausen, Scott, Slater, Steele, Taylor, Thompson, Wadge, Williams and Winterbotham—27.

Those who voted in the negative were, Messrs. Bunyan, Cave, Daugherty, Fuller, Friedly (of Scott), Glessner, Gregg, Harney, Hough, Miller, Neff, Ringo, Rosebrugh, Sleeth and Stroud—15.

So the amendment to the amendment was adopted.

The question being on the adoption of the amendment as amended,

It was adopted.

Mr. Rhodes offered the following amendment: Strike out, in section 26, "real estate appraisers," and insert "county assessors;" in fourth line strike out the word "appraisers," and insert "assessors."

Which was adopted.

Mr. Rhodes offered the following amendment: Strike out the twenty-seventh section.

Which was adopted.

Mr. Hough offered the following amendment. Amend section thirty-one so as to make it read as follows: "All fees of coroners' inquests shall be paid out of the county treasury."

Which was adopted.

Mr. Hough offered the following amendment. Amend section twenty-nine by striking out the words "and stationery," in the last line thereof.

Which was adopted.

Mr. Dwiggin offered the following amendment:

The clerk shall keep a cash-book, in which he shall enter consecutively, and as received, such sum of money by him received, with the date of said receipt, with a brief mention of the cause or matter in which it was received, which shall be kept open for inspection during his continuance in office, and shall be delivered to his successor in office. Such clerk shall also keep a register of witness and other fees not his own, in which he shall enter, as soon as received, the names of all persons alphabetically for whom money has been paid into his hands, stating plainly the name, in what cause, and on what fee-book and page, taxed to the amount so paid in, when paid into his hands, and when paid out; which book or register shall be, at all times, open for inspection in some conspicuous place in his office, and shall turn the same over to his successor in office.

Mr. Steele moved to lay the amendment on the table.

Which was not agreed to.

The question being, on the adoption of the amendment offered by Mr. Dwiggin.

It was adopted.

Mr. Hall offered the following amendment:

“That whenever the county treasurer shall give to any person paying money to him for taxes, a receipt therefor, either partial or full, he shall at the same time enter the name of the person, the number of such receipt, the exact amount paid, the number of the township, and the date of the payment in a book specially provided by him for that purpose, and he shall also make a similar entry upon a separate paper or stub, to be detached from such receipt. He shall affix his name to such separate paper, and deliver the same when signed to the county auditor, who shall copy the entries of each day in a book by him provided for that purpose, and preserve in his office in separate packages, the said stubs or separate papers. Whenever a person elected to the office of county treasurer becomes his own successor, he shall on the last business day of his first term exhibit all the moneys and assets of every kind in his hands as county treasurer to the county auditor, who shall count the same in his office in the presence of the county treasurer and county commissioners, and the auditor shall then draw up a full and particular statement of the amount of money and other assets on hand, which shall be signed by such auditor, and the county treasurer shall, below such statement make affidavit that the money and assets so exhibited and counted were the money and assets actually and in good faith in his hands as such treasurer, and that no part of the same have been furnished to him or borrowed or procured by him for the purpose of exhibiting the same as money and assets to be counted and afterwards returned. The county auditor shall present the said statement and affidavit to the board of county commissioners at their next meeting, regular or special, and the same shall by them be examined and entered upon the records of the board. A copy of such statement and affidavits legally certified, shall be deemed as evidence.

Mr. Dittemore moved to lay the amendment by Mr. Hall on the table.

Messrs. Glessner and Hall demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beeson, Bird, Bowman, Carnahan, Cave, Chapman, Collett, Daggy, Dittemore, Fuller, Howard, Orr, Scott, Sleeth, Smith, Steele, Thompson and Winterbotham—18.

Those who voted in the negative were, Messrs. Armstrong, Boone, Bunyan, Daugherty, Dwiggins, Francisco, Friedley (of Scott,) Glessner, Gooding, Gregg, Hall, Hough, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Rosebrugh, Slater, Stoud, Taylor, Wadge and Williams—24.

So the motion to lay on the table was not agreed to.

The question being on the adoption of the amendment.

Mr. Howard offered the following amendment to the amendment: "And no bond shall be required of the county treasurer."

Mr. Dwiggins moved to lay the amendment to the amendment on the table.

Which was agreed to.

Mr. Hough offered the following amendment to the amendment: Amend the section by inserting after the word "treasurer" in line twenty-nine and the words "county commissioners."

Which was adopted.

The question recurring on the adoption of the amendment by Mr. Hall as amended.

Messrs. Hall and Glessner demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Bunyan, Collett, Daugherty, Francisco, Friedley (of Scott), Glessner, Gregg, Hall, Hough, Miller, Neff, Oliver, Rhodes, Ringo, Scott, Stroud and Thompson—19.

Those who voted in the negative were, Messrs. Beeson, Bird

Boone, Bowman, Carnahan, Cave, Chapman, Daggy, Dittemore, Dwiggins, Fuller, Gooding, Howard, Hubbard, Orr, Rosebrugh, Sarnighausen, Slater, Smith, Steele, Taylor, Wadge, Williams and Winterbotham—24.

So the amendment as amended was adopted.

Mr. Rhodes offered the following amendment: Amend section forty by inserting the word "treasurer" immediately after the word "clerk," whenever it occurs.

Which was adopted.

Mr. Rosebrugh offered the following amendment:

Amend by adding to section twenty-three the following: "The coroner shall be ex-officer bailiff of the grand jury, and shall receive for each day actually employed, to be allowed by the court, and ordered paid out of the county treasury, \$2.50."

Mr. Rhodes moved to lay the amendment on the table.

Messrs. Rosebrugh and Slater demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Bunyan, Carnahan, Daggy, Dittemore, Dwiggins, Fuller, Friedley (of Scott), Gooding, Hough, Howard, Hubbard, Miller, Oliver, Orr, Rhodes, Sarnighausen, Sleeth, Smith, Taylor, Wadge, Williams and Winterbotham—25.

Those who voted in the negative were, Messrs. Boone, Bowman, Cave, Chapman, Collett, Daugherty, Francisco, Glessner, Gregg, Hall, Ringo, Rosebrugh, Scott, Slater, Steele and Stroud—16.

So the motion to lay on the table was agreed to.

Mr. Dwiggins offered the following amendment: "That in any county where the whole fees of a clerk, sheriff, auditor or treasurer, amounts on the aggregate to less than one thousand dollars per annum, the board of county commissioners may, in their discretion, allow such officers such an amount as they, in their discretion, may deem just and proper, but such allowance shall not exceed three hundred dollars to any one officer in any one year."

Which was adopted.

Mr. Williams offered the following amendment to section nineteen :

Sec. 19. For serving a summons or warrant on each person named therein, 25 cts.

For every mile traveled in going and returning to serve process or subpoena, 10 cts.

When two or more are named in such process, mileage shall be allowed for the distance necessarily traveled.

A copy of the process left at the defendant's residence, 25 cts.

Serving subpoena for each person therein named, 20 cts.

Returning each writ, 10 cts.

Sale bond, 25 cts.

Serving, executing and mileage as above, 25 cts.

Commitment to prison, 50 cts.

Sale of goods when the amount of goods does not exceed six dollars, 25 cts.

On all sums above six dollars, five per centum on all moneys collected on execution without sale, half of the above commission.

Returning execution, 10 cts.

Summoning a jury in any case, \$1.00.

Attending jury trial, 50 cts.

Posting up advertisements of sale, 30 cts.

CONSTABLES' FEES IN CRIMINAL CASES.

For serving a warrant on each person named therein, 50 cts.

Serving subpoena, 25 cts.

Attending examination or trial of a person charged with a crime or misdemeanor, 50 cts.

If more than one, an addition for each of 20 cts.

Commitment of each person to prison, 50 cts.

And for each mile necessarily traveled, 10 cts.

For services not herein enumerated, the same fees as in civil cases.

Which was concurred in.

Mr. Daggy offered the following amendment: Amend section twenty-three by adding, " Such coroner shall have power to employ a clerk to take down the evidence at an inquisition, and also power to compel the attendance of jurors by attachment during

the progress of the inquisition, and also to compel the attendance of witnesses by attachment."

Which was adopted.

Mr. Dwiggins offered the following amendment: Amend section three to read as follows :

SEC. 3. The fees of the Secretary of State shall be as follows :

For each certificate, with seal, \$1.00.

For each commission to a notary public, \$1.00.

For each commission to commissioner of deeds, and filing qualification, \$2.00.

For each attestation and seal other than herein excepted, \$1.00.

For filing and recording each article, charter or certificate of incorporation, not exceeding two hundred words, \$1.00.

For all recording and copying of records, papers and documents not otherwise provided for, per hundred words, 15 cts.

Such fees to be paid by the party for whom the services are rendered.

Provided, That no fees shall be charged against the United States, or this or other State, or any county of this State; nor against any officer of either of them for any attestation, certificate or paper, required by them in an official use.

Which was adopted.

Mr. Armstrong offered the following amendment:

Amend section forty-one by adding: and provided further that this act shall not be so construed as to repeal an act entitled "An act to prevent the defalcation of certain officers therein named, and to provide penalties therefor," approved March 1, 1855.

Which was adopted.

Mr. Rhodes moved that the report of the committee as amended be concurred in, and that the bill be ordered engrossed and made a special order for 2 o'clock, p. m. on to-morrow.

Which was agreed to.

The Committee on Engrossed Bills submitted the following report:

MR. PRESIDENT:

The Committee on Engrossed Bills have considered the following bill and find the same correctly engrossed:

Senate bill No. 229—a bill to legalize the official acts of the Board of Trustees of the town of Cicero, Hamilton county, Indiana, and all other officers of said corporation, under an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties; approved June 11, 1852; and the by-laws, rules, regulations and proceedings adopted in pursuance thereof.

Mr. Scott moved to suspend the order of business and take up the message from the House in relation to new State House.

Which was agreed to.

The question being on the adoption of the resolution.

Mr. Brown offered the following amendment:

Strike out all after the words "State House," and insert the following: "which bill shall be sub-entitled to the General Assembly of the State of Indiana at this session."

Which was adopted.

The question then being on the adoption of the resolution as amended.

Messrs. Scott and Smith demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggins, Francisco, Friedley (of Scott,) Glessner, Gooding, Gregg, Hall, Harney, Hough, Howard, Hubbard, Miller, Neff, Oliver, Orr, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge and Winterbotham—44.

Messrs. Fuller and Williams voting in the negative.

So the resolution as amended was adopted.

On motion, the communication from the Governor and State officers, in relation to the purchase of grounds for a new State House, was referred to the select committee raised under the concurrent resolution on the subject of building a new State House.

Mr. Winterbotham moved to suspend the order of business and take up Senate bill No. 278.

Which was agreed to.

Mr. Winterbotham moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill read a second time by title, considered engrossed, and read a third time by sections, and put upon its passage.

The ayes and noes being taken under the rule.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Daggy, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott,) Glessner, Gooding, Gregg, Hall, Harney, Hough, Howard, Hubbard, Miller, Neff, Oliver, Orr, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—43.

No Senator voting in the negative.

So the constitutional rule was suspended and Senate bill No. 278—a bill to amend section 53 of an act entitled “An act to repeal all laws now in force for the incorporation of cities, and to provide for the incorporation of cities, and prescribing their powers and rights, and the manner in which they shall exercise the same, and regulate such other matters as properly pertain thereto,” approved March 14, 1867, and declaring an emergency.

Which was read a second time by title and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Bowman, Brown, Bunyan, Carnahan,

Cave, Chapman, Collett, Daggy, Daugherty, Dwiggin, Fuller, Francisco, Friedley (of Scott,) Glessner, Gooding, Gregg, Hall, Harney, Hough, Howard, Hubbard, Miller, Oliver, Orr, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Smith, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—42.

Messrs. Boone and Steele, voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Thompson moved to suspend the order of business and take up Engrossed House bill No. 417.

Which was agreed to.

Engrossed House bill 417—a bill governing costs in the superior courts of this State.

Which was read a first time.

Mr. Thompson moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill read a second time by title, and a third time by sections and put upon its passage.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave Chapman, Collett, Daggy Daugherty, Dwiggin, Fuller, Francisco, Friedley (of Scott,) Gleener, Gooding, Gregg, Hall, Harney, Hough, Howard, Hubbard, Miller, Neff, Oliver, Orr, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—42.

Mr. Beardsley voting in the negative.

So the constitutional rule was suspended and Enrossed House bill No 417—a bill governing costs in the Superior courts of this State, was read a second time by title and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Dwiggins, Fuller, Francisco, Friedley (of Scott), Glessner, Gooding, Gregg, Hall, Harney, Hough, Howard, Hubbard, Miller, Oliver, Orr, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—41.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Hall moved that when the Senate adjourn it be until tomorrow morning, 9:30 o'clock.

Which was agreed to.

Mr. Gooding moved to take up Senate bill No. 264.

Which was agreed to.

Mr. Gooding moved to suspend the constitutional rule requiring bills to be read on three several days, and read the bill a second time by title, and a third time by sections, and put it upon its passage.

The ayes and noes being taken under the rule.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Dwiggins, Fuller, Francisco, Friedley (of Scott), Glessner, Gooding, Gregg, Hall, Harney,

Hough, Howard, Hubbard, Miller, Oliver, Orr, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—40.

Messrs. Daggy and Neff voting in the negative.

So the constitutional rule was suspended.

Engrossed Senate bill No. 264—an act to amend the 4th, 5th, 26th, 35th, 43d and 58th sections of an act entitled “An act granting to the citizens of the town of Evansville, in the county of Vanderburgh, a city charter,” approved January 27, 1847.

Which was read a second time by title and a third time by sections.

The question being shall the bill pass.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Dwiggins, Fuller, Friedley (of Scott), Glessner, Gooding, Gregg, Harney, Hough, Howard, Hubbard, Miller, Neff, Oliver, Orr, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—40.

No Senator voting in the negative, so the bill passed.

The question being shall the title as read stand as the title of the bill.

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

On motion of Mr. Brown the Senate adjourned.

LEONIDAS SEXTON,
President of the Senate.

FRIDAY MORNING.

FEBRUARY 23, 1873, 10 O'CLOCK.

Senate met.

On motion by Mr. Scott, the reading of the Journal of yesterday was dispensed with.

By unanimous consent Mr. Scott submitted Senate Joint Resolution No. 12—a joint resolution confirming the purchase of additional ground whereon to erect a new State House.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were, Messrs. Beardsley, Bird, Boone, Bowman, Bunyan, Carnahan, Cave, Chapman, Daggy, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Scott), Glessner, Gooding, Gregg, Haworth, Hough, Howard, Hubbard, Miller, Orr, Sarnighausen, Scott, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—34.

No Senator voting in the negative.

So the joint resolution passed.

The question being, shall the title as read stand as the title of the joint resolution?

It was so ordered.

ORDERED, That the Secretary inform the House of the passage of the joint resolution.

Mr. Wadge submitted the following:

Senate Joint Resolution No. 13—a joint resolution ordering that the sale of swamp lands belonging to the State be suspended, except in certain cases.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were, Messrs. Armstrong,

Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Glessner, Gooding, Gregg, Harney, Hough, Howard, Hubbard, Miller, Neff, Orr, Ringo, Rosebrugh, Sarnighausen, Scott, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—39.

No Senator voting in the negative.

So the joint resolution passed.

The question being, shall the title as read stand as the title of the joint resolution?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the joint resolution.

Mr. Scott moved to suspend the order of business and take up engrossed House bills Nos. 55, 493, 410, 360, 382 and 87.

Which was agreed to.

Mr. Brown moved to take up engrossed House bills on first reading.

Which was agreed to.

ENGROSSED HOUSE BILLS ON A FIRST READING.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following Senate bill, to-wit:

Senate bill No. 50—a bill to correct and define correctly the boundary lines between the counties of Washington and Clarke, and declaring an emergency. And the same is herewith returned to the Senate.

Engrossed House bill No. 87—a bill to amend an act entitled S. J.—47

“An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith providing penalties therein prescribed,” approved March 6, 1865, and adding supplemental sections thereto.

Which was read a first time, and referred to the Committee on Education.

Engrossed House bill No. 360—a bill to appropriate one hundred and fifty dollars for the distribution of the report of the Superintendent of Public Instruction.

Which was read a first time, and referred to the Committee on Education.

Engrossed House bill No. 493—a bill to amend section eight of an act entitled “An act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act,” approved February 18, 1859.

Which was read a first time, and referred to the Committee on Education.

Engrossed House bill No. 410—a bill to amend an act entitled, “An act to authorize township trustees, trustees of incorporated towns, and the common council of cities, to levy a tax for school purposes,” approved March 9, 1867, and extending the assessment and collection of the same to the property and polls of persons transferred for school purposes to the township, town or city, and requiring the officers to levy the same to maintain their schools at least six months in each year, and declaring an emergency.

Which was read a first time, and referred to the Committee on Education.

Engrossed House bill No. 55—a bill to amend an act entitled, “An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain

officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865, and adding supplemental sections thereto.

Which was read a first time, and referred to the Committee on Education.

Engrossed House bill No. 382—a bill relative to the salary of Superintendent of Public Instruction, and providing the manner of paying the same.

Which was read a first time, and referred to the Committee on Education.

By consent, Engrossed House bill No. 99 was taken up.

On motion of Mr. Collett, the following engrossed amendments thereto were concurred in :

Engrossed amendments of the House of Representatives to Senate bill No. 99—in section one, line ten, strike out the words "be allowed," and insert in lieu thereof the word "recover." After the words "principal debtor" in line seventeen, insert the words "and the judgment thereon shall bear the same rate of interest." Add to the title of said bill the following words, "and regulating the rate of interest on judgments rendered thereon."

On motion of Mr. Scott, Engrossed House bills, Nos. 55, 493, 410, 360, 382 and 87 were made a special order for 10 o'clock, a. m., on to-morrow.

Mr. Steele moved to take up Senate bill No. 299.

Mr. Hough moved to amend by taking up Senate bills on a third reading.

Which was agreed to.

The question being on the motion by Mr. Steele, as amended.

It was agreed to.

Engrossed Senate bill No. 203—a bill to authorize the appoint-

ment of resident trustees to receive and manage trust funds held in other States, and belonging to persons residing in this State.

Which was read a third time.

By unanimous consent, Mr. Daggy offered the following amendment: Amend on page two, in line eight, after the word "State" insert "and in all cases where such trust fund is situate or held in a foreign State."

Which was adopted.

The question being shall the bill pass.

Those who voted in the affirmative were, Messrs. Armstrong, Bird, Boone, Bowman, Bunyan, Carnahan, Chapman, Daggy, Daugherty, Dittemore, Dwiggin, Francisco, Friedley (of Scott), Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—35.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED, That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 169—a bill authorizing the organization of voluntary associations and prescribing their duties and powers.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Bowman, Bunyan, Carnahan, Cave, Chapman, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Fran-

cisco, Friedley, (of Scott,) Gregg, Hall, Harney, Haworth, Hough, Howard, Miller, Neff, Oliver, Orr, Rhodes, Ringo, Roseburgh, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Thompson, Wadge, Williams and Winterbotham—39.

Mr. Gooding voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 188—a bill to enable and empower executors and administrators of the estates of deceased persons to enforce partition of the real estate of such decedents, in certain cases, and declaring an emergency.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Bird, Boone, Bowman, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggin, Francisco, Friedley (of Scott,) Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Orr, Rhodes, Ringo, Roseburgh, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wade, Williams and Winterbotham—42.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 173—a bill to authorize school trustees of incorporated towns and cities to sell certain school property within their limits and providing for the disposition of the proceeds.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Bunyan, Carnahan, Cave, Chapman, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Oliver, Orr, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—38.

Mr. Rhodes voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 187—a bill to amend section one of an act entitled, "An act to amend section one of an act entitled, an act to amend section three of an act entitled, an act for the regulation of weights and measures," approved June 9, 1852, approved February 28, 1855, approved March 7, 1863.

Which was read a third time.

By unanimous consent, Mr. Carnahan offered the following amendment: After "apples (dried), 33 pounds," insert "apples (green), 45 pounds."

Which was adopted.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Boone, Bowman, Bunyan, Carnahan, Cave, Chap-

man, Dittmore, Fuller, Francisco, Friedley (of Scott), Gregg, Hall, Harney, Haworth, Hough, Howard, Neff, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Smith, Steele, Stroud, Taylor, Thompson, Wadge and Williams—32.

Those who voted in the negative were, Messrs. Beardsley, Daggy, Dwiggins, Hubbard, Scott, Slater and Winterbotham—7.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 193—a bill authorizing the construction of plank, Macadamized and gravel roads.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bunyan, Cave, Chapman, Daggy, Dittmore, Dwiggins, Fuller, Friedley (of Scott), Harney, Haworth, Hough, Hubbard, Neff, Oliver, Orr, Rhodes, Scott, Slater, Smith, Steele, Taylor, Thompson, Wadge and Williams—28.

Those who voted in the negative were, Messrs. Bird, Bowman, Carnahan, Francisco, Gregg, Hall, Howard, Ringo, Sarnighausen and Stroud—10.

So the bill passed.

The question being shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 204—a bill to amend the fifteenth section of an act entitled “An act prescribing the manner of compelling officers to give new bonds and additional sureties,” approved May 31, 1852.

Which was read a third time.

The question being shall the bill pass.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Bowman, Bunyan, Carnahan, Chapman, Collett, Daggy, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott), Gregg, Hall, Haworth, Hough, Howard, Hubbard, Neff, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson, Wadge and Williams—36.

No Senator voting in the negative, the bill passed.

The question being shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 213—a bill to amend section sixteen of “An act concerning real property and the relation thereof,” approved May 6, 1852.

Which was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bowman, Bunyan, Carnahan, Collett, Daggy, Francisco, Friedley (of Scott), Gregg, Hall, Hough, Howard, Hubbard, Neff, Oliver, Rhodes, Ringo, Scott, Sleeth, Smith, Steele, Stroud, Taylor, Thompson and Wadge—28.

Those who voted in the negative were, Messrs. Bird, Cave, Chapman, Dittemore, Dwiggin, Fuller, Haworth, Orr, Sarnighausen, Slater and Williams—11.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Dittemore moved to take up engrossed House bill No. 8—a bill to prevent hunting and shooting on enclosed lands without consent of the owners or occupant thereof, and providing a penalty therefor, and make the same a special order for 10:30 a. m. on Tuesday next.

Mr. Hall moved to lay the motion on the table.

Messrs. Dittemore and Williams demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Bunyan, Carnahan, Cave, Dwiggin, Fuller, Francisco, Gooding, Hall, Harney, Howard, Rosebrugh, Slater, Smith, Steele, Stroud and Winterbotham—18.

Those who voted in the negative were, Messrs. Beeson, Bird, Boone, Bowman, Chapman, Collett, Daggy, Dittemore, Friedley (of Scott), Glessner, Haworth, Hough, Hubbard, Neff, Orr, Rhodes, Ringo, Scott, Sleeth, Taylor, Wadge and Williams—22.

So the motion to lay on the table was not agreed to.

The question being on the motion by Mr. Dittemore.

Messrs. Dittemore and Williams demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beeson, Bird, Boone, Bowman, Chapman, Collett, Daggy, Dittemore, Fuller, Friedley (of Scott), Glessner, Haworth, Hough, Hubbard, Neff, Oliver, Orr, Rhodes, Ringo, Scott, Sleeth, Stroud, Taylor, Wadge and Williams—25.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Bunyan, Carnahan, Dwiggin, Francisco, Gooding, Hall, Harney, Howard, Rosebrugh, Slater, Smith, Steele and Winterbotham—15.

So the motion was agreed to.

Engrossed Senate bill No. 218—a bill to encourage the destruction of foxes—was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong Beardsley, Bird, Boone, Bowman, Bunyan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Fuller, Francisco, Glessner Gooding, Gregg, Harney, Hough, Howard, Hubbard, Neff, Oliver Rhodes, Scott, Sleeth, Stroud, Thompson, Wadge and Williams—30.

Those who voted in the negative were, Messrs. Beeson, Brown, Carnahan, Dwiggins, Hall, Haworth, Orr, Ringo, Rosebrugh, Sarnighausen, Slater, Smith, Steele and Winterbotham—14.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 217—a bill to authorize satisfaction of mortgages in certain cases—was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dwiggins, Fuller Friedley (of Scott,) Gooding, Gregg, Hall, Harney, Hough, Howard, Hubbard, Neff, Oliver, Orr, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—41.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill?

Engrossed Senate bill No. 223—an act to legalize certain acts of notaries public, and the recording of certain instruments—was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Daggy, Daugherty, Dwiggins, Fuller, Francisco, Friedley (of Scott), Glessner, Gooding, Gregg, Harney, Hough, Howard, Hubbard, Neff, Oliver, Orr, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Smith Steele, Stroud, Taylor, Thompson and Wadge—40.

No Senator voting in the negative, so the bill passed.

The question being shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 289—a bill to fix the salaries of the Judges of the Supreme Court of this State, and to provide for the time and manner of payment; and declaring an emergency for the immediate taking effect of this act.

Which was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Brown, Carnahan, Cave, Chapman, Daggy, Daugherty, Dittemore, Dwiggins, Francisco, Glessner, Gooding, Hall, Harney, Hubbard, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Smith Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—33.

Those who voted in the negative were, Messrs. Bowman, Bunyan, Fuller, Friedley (of Scott), Haworth, Hough, Howard, Neff, Orr and Slater—10.

So the bill passed.

The question being shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

On motion of Mr. Dittemore the Senate took a recess until 2 o'clock, p. m.

AFTERNOON SESSION.

Senate re-assembled at 2 o'clock, p. m.

By unanimous consent, Mr. Friedley (of Scott), introduced Senate bill No. 338: A bill to amend section forty of an act entitled "An act dividing the State into counties, defining their boundaries and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved June 7, 1852.

Which was read a first time and referred to the Committee on County and Township Business.

Engrossed House bill No. 36—a bill to amend sections one and six of an act entitled, "An act to incorporate the Franklin Insurance Company," approved February 13, 1851.

Mr. Sleeth offered the following amendment: Amend by adding the following section, viz :

SECTION —. The General Assembly hereby reserve to itself the right and privilege of amending or repealing any section, part or provision of this act at any time without the consent of the directors or stockholders of said company.

Which was adopted and amendment ordered engrossed.

Engrossed House bill No. 258—a bill to prevent betting on elections and providing punishment for the same.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Beggs, Bird, Boone, Bowman, Chapman, Daggy, Dwiggins, Fuller, Friedley (of Scott,) Glessner, Gooding, Harney, Hough, Howard, Hubbard, Miller, Neff, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Steele, Stroud and Williams—28.

Those who voted in the negative were, Messrs. Beardsley, Brown, Bunyan, Carnahan, Cave, Collett, Daugherty, Dittemore, Francisco, Gregg, Hall, Haworth, Slater, Sleeth, Smith, Wadge and Winterbotham—17.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Hall submitted the following report:

MR. PRESIDENT:

The Committee on Enrolled bills have carefully compared Engrossed Senate bill No. 4—a bill to provide for the assessment and collection of taxes for municipal purposes on the shares of stock owners in banks and banking associations doing business in this State, and find the same correctly enrolled.

Message from the House by Mr. Nixon clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the amendments of the Senate to the House concurrent resolution, in relation to the

appointment of a committee of the two Houses to prepare a bill providing for a plan and estimates of the cost of a new State House, etc.; and the Speaker has appointed Messrs. Branham, Brett, Baxter and Glazebrook, on such committee on the part of the House.

Mr. Hall submitted the following report:

MR. PRESIDENT :

The Committee on Enrolled Bills have had under consideration, and find correctly enrolled the following bills :

Enrolled act of House No. 417—an act governing costs in the Superior Courts of this State.

Engrossed Senate bill No. 245—a bill to provide for the letting of the State printing to the lowest bidder, and providing that the Governor, Secretary of State, and Auditor of State, shall be, *ex-officio*, Commissioners of Public Printing, and providing for the appointment of a Superintendent of Public Printing, and abolishing the office of State Printer—was read a third time.

Mr. Dwiggins moved to recommit the bill to the Committee on Printing, with the following instructions:

To amend the same by striking out all in reference to State Printer and Superintendent of Printing, and authorizing the purchase of paper, and so amend that contractors shall furnish all materials. Also to amend so as to authorize the Governor, Auditor, Secretary and Treasurer of State, to employ an expert at a cost not exceeding \$6.00 per day, whenever they deem it expedient to do so.

Mr. Brown offered the following substitute for the bill :

Strike out all after the enacting clause, and insert the following :

SECTION 1. That there shall be established a board of public printing, to be composed of the Governor, Treasurer, Auditor and Secretary of State.

SEC. 2. The board of public printing shall have full charge of all printing and binding required by the necessities of the State, as designated by law, or resolution or order of the General Assembly.

SEC. 3. Said board of public printing shall be vested with the power to negotiate for the public printing and binding so required, at the lowest possible prices, and such contracts made by said board of public printing shall not continue for a longer time than two years, and may be revoked at any time when the board may order, if for proper cause the board may conclude that the interest of the State would not be served by a longer continuance of the contract.

SEC. 4. The contractor shall be required to give sufficient bond and security, in a sum not less than fifteen thousand dollars, for the faithful performance of the work required of him.

SEC. 5. The board of public printing shall have power to appoint an expert skilled in the arts and business of printing and binding. The duties of said expert shall be to measure and count all work ordered by the board of public printing, and for which bills are presented said expert shall subscribe to an oath for the faithful performance of his duties, and shall give bond in the sum of \$1,500. He shall perform such labor as is named in the act, or such as the board of public printing may require, pertaining to the measuring and counting of printed and bound matter, upon proper notice from the board that his services are required. He shall receive compensation at the rate of \$6.00 per day for the days actually employed by order of the board of public printing, and the Auditor of State shall issue his warrant upon the Treasurer of State for such compensation upon the order of the board.

SEC. 6. The Board of Public Printing shall hold meetings four times in each year on the first Monday of January, the first Monday of April, the first Monday of July and on the first Monday of October; and at such meetings all bills rendered against the State for printing and binding shall be examined by the board, and such work for which said bills were rendered shall be measured and counted by the expert provided for in section five of this act; and if found to be correct and in accordance with the contract under which such work was performed then the said board shall certify to the Auditor of State as to the correctness of said bills. Upon such certificate by the Board of Public Printing, the Auditor of State shall draw his warrant upon the Treasurer of State for such amounts named in the certificate of the Board of Public Printing,

which amounts shall be paid by the Treasurer of State out of any monies in the treasury not otherwise appropriated.

SEC. 7. All printing and binding authorized by law, by resolution or order of the General Assembly, shall be delivered by the contractor to the Board in a complete condition, and the State shall not be a party in any purchase of paper, type, ink or other material used in such work.

SEC. 8. The Board of Public Printing shall keep a complete record of all their transactions, and shall submit a report to the General Assembly at each regular session, of all transactions of said Board, stating the prices paid for printing and binding, and the cost to the State of printing for the two years preceding the session of the General Assembly to which such report shall be made; and the said Board of Public Printing shall also cause to be published in two daily papers published in the city of Indianapolis, after the adjournment of each quarterly meeting of said Board, an abstract of the cost of printing and binding for which they may have authorized payment, which abstract shall be signed by each member of the Board.

The Secretary of State is hereby made Secretary of said Board of Public Printing.

SEC. 9. All laws and parts of laws coming in conflict with the provisions of this act are hereby repealed.

SEC. 10. An emergency exists for the immediate taking effect of this act, therefore the same shall be in force from and after its passage.

Mr. Slater moved to lay the motion by Mr. Dwiggins, and the substitute offered by Mr. Boone, on the table.

Mr. Brown demanded a division of the question.

The question first being on laying the substitute on the table.

Messrs. Brown and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Bird, Boone, Bowman, Cave, Chapman, Daugherty, Dittemore, Fuller, Francisco, Glessner, Gregg Harney, Hough,

Howard, Hubbard, Miller Neff, Oliver, Orr, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Smith, Stroud, Taylor, Williams and Winterbotham—32.

Those who voted in the negative were, Messrs. Beeson, Brown, Bunyan, Carnahan, Collett, Daggy, Dwiggins, Friedley (of Scott,) Gooding, Hall, Haworth, Steele, Thompson and Wadge—14.

So the substitute was laid on the table.

The question then being on laying the motion by Mr. Dwiggins on the table.

Messrs. Brown and Dwiggins demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Bird, Boone, Bowman, Carnahan, Cave, Chapman, Daggy, Daugherty, Dittmore, Fuller, Francisco, Glessner, Gregg, Hall, Harney, Hough Howard, Hubbard, Miller, Neff, Orr, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Stroud, Taylor, Williams and Winterbotham—34.

Those who voted in the negative were, Messrs. Beeson, Brown, Bunyan, Dwiggins, Friedley (of Scott,) Gooding, Haworth, Oliver, Smith, Steele, Thompson and Wade—12.

So the motion to lay on the table was agreed to.

By unanimous consent Mr. Brown offered the following amendment: "Amend the bill so that the contracts shall not be let to non-residents of the State, nor the work performed out of the State."

Which was adopted.

Mr. Dwiggins moved to-recommit the bill to the Committee on the Judiciary, with instructions to amend the bill as follows:

Strike out "two thousand per annum for Superintendent," and insert "six dollars per day for every day necessarily and actually employed and providing that the Governor, Secretary, Auditor, and Treasurer of State, shall examine and certify his accounts for services as correct before the same shall be audited and paid."

Mr. Brown moved that the bill be recommitted to the Committee.
S. J.—48

tee on the Judiciary, with instructions to so amend the bill that contractors shall furnish all material.

Mr. Sleeth demanded a division of the question.

The question first being on the motion to recommit the bill to the Committee on the Judiciary with the instructions offered by Mr. Dwiggin.

Messrs. Brown and Dwiggin demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beeson, Boone, Brown, Bunyan, Carnahan, Dwiggin, Friedley (of Scott), Gooding, Haworth, Neff, Oliver, Orr, Rhodes, Scott, Sleeth, Steele, Taylor, Thompson and Wadge—19.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Bird, Bowman, Carnahan, Cave, Daggy, Daugherty, Dittemore, Fuller, Francisco, Glessner, Gregg, Hall, Harney, Hough, Howard, Miller, Ringo, Rosebrugh, Sarnighausen, Slater, Smith, Stroud, Williams and Winterbotham—26.

So the motion to recommit was not agreed to.

The question then being on the motion by Mr. Brown to the Committee on the Judiciary, with instructions.

Messrs. Dittemore and Daugherty demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beeson, Brown, Collett, Friedley (or Scott), Gooding, Haworth, Miller, Oliver, Steele, Thompson and Wadge—11.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Bird, Boone, Bowman, Bunyan, Carnahan, Cave, Chapman, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Glessner, Gregg, Hall, Harney, Hough, Howard, Hubbard, Neff, Orr, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Smith, Stroud, Taylor, Williams and Winterbotham—35.

So the motion to recommit the bill was not agreed to.

The question then being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Bird, Boone, Bowman, Bunyan, Carnahan, Cave, Chapman, Daggy, Daugherty, Dittemore, Fuller, Francisco, Glessner, Gooding, Gregg, Hall, Harney, Hough, Howard, Hubbard, Neff, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Smith, Stroud, Taylor, Wadge, Williams and Winterbotham—36.

Those who voted in the negative were, Messrs. Beeson, Brown, Collett, Dwiggins, Friedley (of Scott), Haworth, Miller, Oliver, Orr, Steele and Thompson—11.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Hall submitted the following report:

MR. PRESIDENT:

The Committee on Enrolled Bills have had under consideration and find correctly enrolled the following bills:

Engrossed Senate bill No. 32—a bill to legalize the sale of seminary lands in Jasper county, to Marion L. Spitler and Margaret Stackhouse, and directing how the proceeds of said sale shall be applied.

Engrossed Senate bill No. 153—a bill to amend an act entitled “An act to create a State Normal School, and declaring an emergency, approved December 20, 1865, and adding supplemental sections thereto, and providing for certain appropriations.”

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following bills, to-wit:

Senate bill No. 224—a bill for the relief of Nicholas Morback, Joseph E. Lange and Francis Joseph Wetlzer.

Senate bill No. 310—a bill to provide for the collection of agricultural, mineral and mechanical productions of Indiana, and their display at the Vienna Exposition, for the appointment of a commissioner, and providing for the expenses connected therewith.

And the same are herewith returned to the Senate.

Engrossed House bill No. 489—a bill to amend section five of an act entitled, "An act to incorporate the town of Huntington," approved February 16, 1848, and the same is herewith transmitted to the Senate for its action thereon.

I am also directed to inform the Senate that the House has passed with the accompanying engrossed amendments of the House thereto, the following Senate bill, to-wit:

Senate bill No. 238—a bill for an act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein, abolishing the Courts of Common Pleas, and transferring the business thereof to the Circuit Courts, and providing for the election of judges and prosecuting attorneys in certain cases.

Engrossed House amendments to Senate bill No. 238: Amend section nine to read as follows:

SEC. 9. The counties of Fayette, Rush and Decatur shall constitute the eighth circuit.

Amend section fourteen by striking out "Hendricks."

Amend section nineteen as follows, viz.:

SEC. 19. The counties of Henry and Hancock shall constitute the eighteenth circuit.

Amend section twenty by inserting the words "and Hendricks" after the word Marion.

Amend section twenty-five as follows, viz.:

SEC. 25. The counties of Hamilton and Madison shall constitute the twenty-fourth circuit.

Amend section twenty-six as follows, viz.:

SEC. 26. The counties of Delaware and Randolph shall constitute the twenty-fifth circuit.

Amend section twenty-seven as follows, viz.:

SEC. 27. The counties of Wells, Adams and Jay shall constitute the twenty-sixth circuit.

Amend section twenty-eight as follows, viz.:

SEC. 28. The counties of Wabash and Miami shall constitute the twenty-seventh circuit.

Amend section twenty-nine as follows, viz.:

SEC. 29. The counties of Huntington, Grant and Blackford shall constitute the twenty-eighth circuit.

Amend section thirty-seven as follows, viz.:

SEC. 37. The counties of Tipton and Howard shall constitute the thirty-sixth circuit.

Amend section thirty-eight as follows, viz.:

SEC. 38. The counties of Franklin and Union shall constitute the thirty-seventh circuit.

Amend section thirty-nine as follows, viz.:

SEC. 39. The counties of Allen and Whitley shall constitute the thirty-eight circuit.

Amend section forty-seven as follows, viz.:

SEC. 47. The terms of said court, in the eighth circuit, shall be held in the county of Decatur on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November in each year. In the county of Rush on the Mondays succeeding the courts in Decatur, and in the county of Fayette on the Mondays succeeding the courts in the county of Rush. The courts in the county of Decatur shall continue four weeks, in the county of Rush four weeks, and in the county of Fayette three weeks, at each term, if the business thereof requires—

Amend section fifty-seven as follows, viz.:

SEC. 57. The terms of said court, in the eighteenth circuit, shall be held in the county of Henry on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; and in the county of Hancock on the Mondays succeeding the courts in the county of Henry. The courts in the county of Henry shall continue six weeks, and in the county of Hancock four weeks, at each term, if the business thereof requires it.

Amend section fifty-eight so that the same shall read as follows:

SEC. 58. The terms of said court, in the nineteenth circuit, shall be held in the county of Hendricks on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year, and shall continue four weeks, if the business thereof requires it. Said court shall be held in the county of Marion on the Mondays succeeding the courts in the county of Hendricks, and shall continue so long as the business thereof requires.

Amend section sixty-three as follows, viz.:

SEC. 63. The terms of said court, in the twenty-fourth circuit, shall be held in the county of Hamilton, on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; and in the county of Madison on the Monday succeeding the court in the county of Hamilton. The courts in the county of Hamilton shall continue five weeks, and in the county of Madison five weeks at each term, if the business thereof requires it.

Amend section sixty-four as follows, viz.:

SEC. 64. The terms of said court, in the twenty-fifth circuit, shall be held in the county of Delaware on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; and in the county of Randolph on the Monday succeeding the courts in the county of Delaware. The courts in the county of Delaware shall continue five weeks; in the county of Randolph five weeks at each term, if the business thereof requires it.

Amend section sixty-five as follows, viz.:

SEC. 65. The terms of said court, in the twenty-sixth circuit, shall be held in the county of Wells on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; in the county of Adams on the Monday succeeding the courts in the county of Wells; and in the county of Jay on the Monday succeeding the courts in the county of Adams. The courts in the counties of Wells and Adams shall continue three weeks, and in the county of Jay four weeks, at each term, if the business thereof requires it.

Amend section sixty-six as follows, to-wit:

SEC. 66. The terms of said court, in the twenty-seventh circuit, shall be held in the county of Wabash on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; and in the county of Miami on the Mondays succeeding the courts in the counties of Wabash and Miami, shall continue five weeks at each term if the business thereof requires it.

Amend section sixty-seven as follows, viz.:

SEC. 67. The terms of said courts, in the twenty-eighth circuit, shall be held in the county of Grant on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year; in the county of Blackford on the Mondays succeeding the courts in the county of Grant, and in the county of Huntington on the Mondays succeeding the courts in the county of Blackford. The courts in the county of Grant shall continue four weeks, in the county of Blackford two weeks, and in the county of Huntington four weeks at each term, if the business thereof requires it.

Amend section seventy-five as follows, viz.;

SEC. 75. The terms of said court in the thirty-sixth circuit shall be held in the county of Tipton on the first Monday in February, the fourth Monday in April, the first Monday in September, and the third Monday in November of each year and in the county of Howard on the Mondays succeeding the courts in the county of Tipton. The courts in the county of Tipton shall continue four

weeks and in the county of Howard five weeks at each term if the business thereof requires it.

Amend section seventy-six as follows, viz :

SEC. 76. The terms of said court in the thirty-seventh circuit shall be held in the county of Franklin on the first Monday in February, the fourth Monday in April, the first Monday in September and the third Monday in November of each year, and in the county of Union on the Mondays succeeding the courts in the county of Franklin. The courts in the county of Franklin shall continue six weeks, and in the county of Union three weeks at each term if the business thereof requires it.

Amend section seventy-seven, as follows, viz :

SEC. 77. The terms of said court in the thirty-eighth circuit shall be held in the county of Allen on the first Monday in February the fourth Monday in April, the first Monday in September and the third Monday in November of each year, and in the county of Whitley on the Mondays succeeding the courts in the county of Allen. The courts in the county of Allen shall continue seven weeks, and in the county of Whitley three weeks at each term if the business thereof requires it.

Amend section eighty by inserting after the word "courts," in the last line, these words *Provided*, That the Judges of common pleas courts having causes that have been tried by them under advisement, shall render decisions, and complete the record therein at the first term of the circuit court held in pursuance of this act to which such causes have been transferred.

Amend by inserting the following :

SEC. 87. The several judges and clerks of the circuit courts to which the records and business of the common pleas courts shall be transferred by this act, shall have power to certify all transcripts and records necessary to be authenticated from the records and files of the said court of common pleas.

Amend by changing the number of section 87 to 88, and when so amended the committee recommend that the bill do pass.

I am also directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following Enrolled Act of the House, to-wit:

Enrolled Act No. 417, House of Representatives—an act governing costs in the superior courts of this State.

And the same is herewith transmitted to the Senate for the signature of the President thereof.

I am also directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following Enrolled Act of the Senate, to-wit:

Enrolled Act No. 4, Senate—an act to provide for the assessment and collection of taxes for municipal purposes, on the shares of stock owned in banks and banking associations doing business in this State; and the same is herewith returned to the Senate for the signature of the President thereof.

Mr. Brown moved to suspend the order of business and take up message from the House in relation to Engrossed Senate bill No. 238.

Messrs. Rhodes and Smith demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bowman, Brown, Carnahan, Cave, Chapman, Daggy, Daugherty, Dittemore, Dwiggins, Francisco, Friedley (of Scott), Glessner, Gooding, Gregg, Howard, Hubbard, Neff, Ringo, Rosebrugh, Sarnighausen, Slater, Wadge and Williams—26.

Those who voted in the negative were, Messrs. Bird, Boone, Bunyan, Collett, Fuller, Hall, Harney, Haworth, Hough, Miller, Oliver, Orr, Rhodes, Scott, Sleeth, Smith, Steele, Stroud, Taylor, Thompson and Winterbotham—21.

So the order of business was suspended and message from the House taken up.

Mr. Dwiggins moved to concur in the engrossed House amendments to Senate bill No. 238, and on that motion demanded the previous question, which was seconded by the Senate.

The question being, shall the main question be now put.

It was so ordered.

The question being on concurring in the Engrossed House amendments.

Messrs. Daugherty and Cave demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bowman, Brown, Carnahan, Chapman, Daggy, Dittemore, Dwiggin, Francisco, Friedley (of Scott,) Glessner, Gooding, Gregg, Howard, Hubbard, Miller, Neff, Oliver, Orr, Ringo, Rosebrugh, Wadge and Williams—25.

Those who voted in the negative were, Messrs. Bird, Boone, Bunyan, Cave, Collett, Daugherty, Fuller, Hall, Harney, Hough, Rhodes, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor and Winterbotham—19.

So the amendments were concurred in.

ORDERED: That the Secretary inform the House thereof.

Mr. Brown moved to reconsider the vote concurring in the amendments and to lay that motion on the table.

Which was agreed to.

The President laid before the Senate an article of agreement between the warden of the State Prison South and the S. W. Car company, heretofore called for by the Senate.

Which was referred to the Committee on Prisons without reading.

Mr. Gooding offered the following resolution:

Resolved, That the Secretary of State be and he is hereby directed to place on the desk of each Senator, the Lieutenant-Governor and reporters, three copies of the Brevier Legislative Reports of the recent special session of this General Assembly. Also one copy of the laws enacted by the special session of the Legislature.

Which was adopted.

The President announced as the committee on the part of the Senate on House concurrent resolution, concerning the new State House, to be Messrs. Scott, Hall and Chapman.

Mr. Smith submitted Senate Joint Resolution, No. 14—a joint resolution directing the Attorney General to bring suit against the Terre Haute and Indianapolis Railroad Company, and for other purposes connected therewith.

Mr. Glessner moved to lay the joint resolution on the table.

Messrs. Smith and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Bird, Boone, Bunyan, Chapman, Fuller, Glessner, Gregg, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Orr, Rhodes, Rosebrugh, Sarnighausen, Slater, Steele, Stroud, Williams and Winterbotham—25.

Those who voted in the negative were, Messrs. Armstrong, Bowman, Brown, Carnahan, Cave, Collett, Daggy, Daugherty, Dittemore, Dwiggin, Francisco, Friedley (of Scott,) Gooding, Hall, Oliver, Ringo, Scott, Smith, Taylor and Thompson—20.

So the joint resolution was laid on the table.

On motion by Mr. Brown the Senate adjourned until 9:30 a. m., on to-morrow.

LEONIDAS SEXTON,
President of the Senate.

SATURDAY MORNING.

MARCH 1, 1873, 10 o'clock.

Senate met.

Prayer by the Rev. Dr. Hunting, of Indianapolis.

On motion by Mr. Wadge, the reading of the Journal of yesterday was dispensed with.

The President announced that he had signed enrolled act of the House No. 417, and enrolled act of the Senate 4.

Mr. Wadge moved to suspend the order of business and take up Senate bill No. 293.

Which was not agreed to.

Mr. Dittemore offered the following resolution :

Resolved, That David S. Oliver, Secretary, and Primus P. Culver, Assistant Secretary, be allowed the sum of \$500 each for indexing and reading proof, and preparing the Senate Journals, including the filing of all bills remainikg in possession of the Senate, at the close of the session, in the office of the State Librarian, preparatory for action in case of a special session, and the President of the Senate is hereby authorized to issue his warrant on the Auditor of State for the above amount, to be paid out of the money appropriated for legislative business.

Which was adopted.

Mr. Fuller presented a petition relative to pensions.

Which was referred to the Committee on Federal Relations.

Mr. Orr submitted the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 243, entitled, "An act appointing commissioners to sell certain real estate therein named, and providing that the results of such sale shall be paid into the State Treasury by said commissioners, and declaring an emergency," have had the same under consideration, and direct me to report the same back to the Senate, and recommend its passage.

Which was concurred in.

Mr. Orr submitted the following report :

MR. PRESIDENT :

The Committee on Agriculture, to whom was referred Senate

bill 206: A bill to encourage agriculture and agricultural fairs, by the purchase and improvement of fair grounds—have had the same under consideration and direct me to return the same with the following amendments:

After the word "commissions" on line five, page —, insert the words "on petition of a majority of the voters of said county." After the word "shall," line thirty-seven, insert the words "direct the auditor to;" also, in line thirty-eight, strike out "auditor" and insert "treasurer;" and when so amended the committee recommend that the bill do pass.

Which was concurred in.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills report that they have this day presented to the Governor Senate bill No. 4, for his approval—an act to provide for the assessment of taxes for municipal purposes, on the shares of stock owned in banks and banking associations doing business in this State.

Also House Enrolled Act, No. 417—an act governing costs in the Supreme Courts of this State.

By unanimous consent, Mr. Smith introduced Senate bill No. 339—a bill to amend section six of an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Sleeth submitted report in regard to the claims of H. D. Thompson, \$14.10; C. Daugherty, \$37.21; C. L. Lambert, \$60.00; James Daugherty, \$11.10; Jared Cathrell, \$100.00.

The Committee on Claims have had the above under consideration, and direct me to report them back to the Senate, with recommendation that they be allowed, and referred to the Committee on Finance, to be incorporated in the appropriation bill.

Which was concurred in.

Mr. Brown submitted the following report:

MR. PRESIDENT :

The Committee on the Judiciary, to whom was recommitted Senate bill No. 294—a bill to amend an act entitled “An act for a uniform assessment of property, and for the collection and return of taxes thereon,” approved December 21, 1872, have had the same under consideration, under the instructions of the Senate, and have directed me to report the same back, with the following amendments :

Section one, line fifteen, strike out the word “June,” and insert in lieu thereof the word “September.”

Section one, line twenty-five, strike out the word “June,” and insert in lieu thereof the word “September,” except the road tax for the year 1873, which shall be determined at the annual meeting in June of that year.

Section two, lines five and six, strike out the words “Auditor of State,” and insert in lieu thereof the words “county auditor.”

Add to the bill the following sections :

SEC. 9. That section fourteen of said act be amended to read as follows :

SEC. 14. Personal property shall be listed between the first day of April and the first day of July each year, when required by the assessor, and with reference to the quantity held or owned on the first day of April in the year for which the property is required to be listed ; personal property purchased or acquired on the first day of April shall be listed by or for the person purchasing or acquiring it.

SEC. 10. That section thirty-three of said act be amended to read as follows :

SEC. 33. The owner of personal property removing from one county, township, city or town, to another, between the first day of April and the first day of July, shall be assessed in either in which he is first called upon by the assessor. The owner of personal property moving into this State from another State, between the first day of April and the first day of July, shall be listed for his poll and the personal property owned by him on the first day of

April of such year in the county, township, city or town, in which he resides: *Provided*, if such person has been assessed and can make it appear to the assessor that he is held for tax of the current year on the property, in another State, county, township, city or town, he shall not be again assessed for said year.

SEC. 11. That section forty-six of said act be amended to read as follows:

SEC. 46. Each assessor shall, between the first day of April and the first day of July of each year, in which the real property of the State is assessed, upon actual view, determine as near as practicable the fair cash value of each tract or lot of land subject to taxation, and shall list and assess the same in the manner hereinafter provided. The said assessor shall, also, between the first day of April and the first day of July in each year, call upon every person required to list property for taxation, and take a list of the taxable personable property in his county, and assess the value thereof in the manner hereinafter provided.

SEC. 12. That section 118 of said act be amended to read as follows:

SEC. 118. Each assessor shall, on or before the first Monday in July of the year in which the real estate is assessed, make out and deliver to the auditor of his county a return by civil townships, in tabular form and alphabetical order, contained in a book to be furnished him by such auditor, of the amount, description and value of all the real estate subject to be listed for taxation in his county, which return shall contain,

First. The names, arranged in alphabetical order, of the several persons, companies or corporations in whose name the several parcels of real estate in each township within his county shall have been listed, and in appropriate columns opposite each name the description in manner as hereinafter required, of each parcel of such real estate, listed in such name, and the value of each separate parcel of such real property, as determined by the assessor from actual view.

Second. The names, arranged in alphabetical order, of the several persons, companies, or corporations in whose names the several

parcels of real property in any town or towns in his county shall have been listed, and in the appropriate columns opposite each name, a description as hereafter set forth, of each parcel of real property in each town in his county, and the value thereof, as determined by the assessor, as above specified; and such return shall distinctly set forth the name or names of the owner or owners of each separate parcel of real property, if known; and if unknown, that fact shall be set forth. Also, a description of each separate parcel of land or real property, in the following manner: If a town lot, or part thereof, the name of the town, the number or other designation of the lot; and if a part of such lot, then the proportion and situation thereof, and the extent in feet along the principal street on which it shall abut. If the parcel of real property be other than a town lot, or a parcel thereof, the number of acres, the range of townships, the number of townships, the number of sections, tract, lot or subdivision of either, or other general designation of any subdivision, if there be no number, as the case may require. If such land be situated in the French or Clark's grant, or is not embraced in any land district, it shall set forth the original survey or surveys, part or parts thereof, contained in each separate parcel so listed; and if any separate parcel of land shall comprehend the whole or parts of any two or more sections, lots, tracts, or surveys, then the statement shall set forth, as nearly as may be, the number of acres taken from each section, lot, tract, or survey, included in each parcel.

SEC. 13. That section 126 of said act be amended to read as follows:

SEC. 126. The assessor shall also, between the first day of April and the first day of July, take a list of the taxable personal property in his county, and assess the value thereof as in this act provided or may hereafter be provided by law.

SEC. 14. That section 127 of said act be amended to read as follows:

SEC. 127. The assessor shall call at the office, place of doing business, or residence of such person, required by this act to list property, and list his name; and shall require such person to make a correct statement of his taxable property in accordance with the provision of this act; and the person listing the property shall en-

ter a true and correct statement of such property, in the form prescribed by this act, which shall be signed and sworn to the extent required by this act, by the person listing the property, and delivered to the assessor; and the assessor shall thereupon assess the value of such property, and enter the same in his books: *Provided*, if any property is listed or assessed on or after the first day of July and before the return of the assessor's books, the same shall be as legal and binding as if listed and assessed before that time.

SEC. 15. That section 129 of said act be amended to read as follows:

SEC. 129. Each assessor shall, on or before the first Monday of July annually, make out and deliver to the auditor of his county, in tabular form and alphabetical order, a list or lists of names of the several persons, companies, or corporations, in whose names any personal property, moneys, credits, or other taxables, shall have been by him listed; on which list or lists he shall enter, separately, appropriate columns, opposite each name, the aggregate value of the several species of personal property and taxables enumerated in the forty-ninth section of this act, as attested by the person required to list the same, or as determined by the assessor; making separate list of persons residing out of any incorporated town, and of persons who are residents of an incorporated town; the columns shall be accurately added up; and in every case where any person whose duty it is made to list any personal property or other taxables for taxation, shall have refused to make out and return to such assessor the lists of personal property and taxables enumerated in the forty-ninth section of this act, the assessor shall enter, in an appropriate column, the words "refused to list;" and in every case where the person required to list personal property for taxation shall refuse to take and subscribe the oath or affirmation required of him by this act, in regard to the truth of his statement, the assessor shall enter, in an appropriate column the words "refused to swear;" and in every case where any person required to list property for taxation shall have been absent or unable from sickness to list the same, the assessor shall enter opposite his name the word "absent" or "sick."

SEC. 16. That section 135 of said act be amended to read as follows:

SEC. 135. The auditor of each county shall, annually, between the first Monday of July and the fifteenth of December, make out a duplicate list of taxes assessed in said county, according to the forms which shall be furnished by the Auditor of State; and in so doing, he shall enter in separate columns,

First. All lands in each civil township, with the names of the owners in alphabetical order, the value of the land without improvements, and opposite to this the value of such land with improvements.

Secondly. In like order he shall enter all townships and out-lots situated in such township, with the improvements thereon.

Thirdly. In its place all corporation stock, except stocks of national banks, which shall be assessed and taxed as in this act elsewhere provided.

Fourthly. All other personal property subject to taxation, and which shall be charged, together with the poll tax, in the civil township where the owner resides.

Fifthly. He shall number each original township in regular progression as the same shall stand entered on his duplicate, and the same townships shall retain the same number from year to year; and

Sixthly. He shall number each name in each township in regular progression.

SEC. 17. That section 150 of said act be amended to read as follows:

SEC. 150. The board of county commissioners, auditor and assessor shall meet at the seat of justice of each county, on the first Monday of July annually, and shall constitute a board of equalization, who shall have power to hear and determine the complaint of any owner of any real or personal property, moneys, rights, credits, and effects, or poll listed, respecting the same, and the valuation of any such property or taxables, made subsequent to the preceding first day of April, and shall correct any list or valuation as they may deem proper, and shall have power to equalize the valuation made by the assessor, either by adding to or deducting from

their valuation such sums as to them, or a majority of them, shall appear just and equitable.

SEC. 18. That section 152 of said act be amended to read as follows:

SEC. 152. The county treasurer shall receive from the county auditor the duplicate of taxes whenever presented, between the first Monday in July and the fifteenth day of December.

SEC. 19. That section 277 of said act be amended to read as follows:

SEC. 277. The board of county commissioners, auditor and assessor shall meet at the seat of justice of each county on the first Monday of July annually, and shall constitute a county board of equalization, which shall have power to hear and determine the complaints of any owner of personal property, moneys, rights, credits, effects, except capital stock, franchises and the rolling stock of railroads. Such board shall ascertain whether the assessments in one township, district or division bear just relation to all the townships and divisions of the county, and may increase or diminish the aggregate valuation of such personal property in any township or division, by adding or deducting such sum upon the hundred as may be necessary to produce a just relation between the valuation of such personal property in the county, but shall in no instance reduce the aggregate valuation of all the townships below the aggregate valuation thereof, as made by the assessor. Neither shall it increase the aggregate valuation of all the townships or districts, except in such an amount as may be actually necessary and incidental to a proper and just equalization. Such board may consider and determine such a rate per cent. of addition or reduction as may be necessary to a just equalization of the assessed value of said property within the respective township or other division, and of the same between the several townships or other proper divisions of the county.

SEC. 20. That section 278 of said act be amended to read as follows:

SEC. 278. In each year in which the real property in the State shall be assessed for taxation, the county board of equalization, as

constituted for the equalization of personal property, shall also constitute a board of equalization for the equalization of real property; and at its meeting on the first Monday in July, in addition to its duties in relation to equalizing personal property, the said county board of equalization shall also diligently and carefully examine the returns made by the assessor or assessors of real property in the county; and it shall be the duty of such board to equalize such assessment between the several townships in the county, so that the valuation of the real property shall conform to an equitable and uniform standard, reference being had to the productiveness of the lands, their proximity to cities or towns, the nearness of access to markets, and the average range of the prices of lands and their products.

SEC. 21. That section 283 of said act be amended to read as follows:

SEC. 283. On or before the fifteenth day of July in each year, in which the real property in the State shall be assessed for taxation, it shall be the duty of the county auditors, upon the receipt of the assessment books, to make out and transmit to the Auditor of State an abstract of the assessment of property, showing the number, value, and average value of each class or kind of enumerated property, as shown by the assessment; the value of each item of enumerated property, and total value of personal property; the value of all land in each civil township, without improvements the value of all improvements thereon, and the value of such land with improvements. And in like order all city or town in-lots or out-lots, showing the value of such lots without improvements, the value of improvements, and the value of such lots with improvements; the length of the main track, and the length of the side track, the number of descriptions, the value and average values of each separate item of railroad property. Such abstract shall be arranged in such manner as to show by civil townships the number of acres, value, and average value of improved lands; and in like manner the number of acres, value, and average value of unimproved lands; total number of acres, total value and average value per acre, of all lands; the number and value, and average value of improved town or city lots; the number, value, and average value of unimproved town or city lots; the total number of lots, total value and average value of all lots, and the total value

of all property, real and personal. (The number of acres in cultivation of wheat, corn, oats, meadow and other field products; in inclosed pastures, orchards and woodlawn, whether inclosed or not in that year.)

Said abstract shall be made out on blanks, which it shall be the duty of the Auditor of State to furnish the county auditor for that purpose. The value to be given in said abstract shall be the assessed valuation, except in the case of railroad property, denominated railroad track and rolling stock, the value of which shall be given as returned by the railroad company to the county auditor. The county auditor shall at the same time, and accompanying said abstract, furnish a detailed statement of the railroad property, denominated railroad track and rolling stock, reported by each road located in or through their counties. If there are any roads so located, that have not made their report as required by this act, the county auditor shall report the facts, giving the name of such railroad.

SEC. 22. That section 284 of said act be amended to read as follows:

SEC. 284. The State Board of Equalization shall consist of the Governor, Lieutenant Governor, Secretary, Auditor and Treasurer of State, whose duty it shall be, in the year one thousand eight hundred and seventy-three, and every two years thereafter, to equalize the assessments on the real property of the State, and also to make such original assessments as may be hereinafter provided. Said board shall meet at the capital, in the office of the Auditor of State, on the third Monday in July, and shall organize by selecting one of its number as chairman, and the Deputy Auditor of State, or one of the clerks in the office of the Auditor of State shall act as secretary.

SEC. 23. That section 250 of said act be amended to read as follows:

SEC. 250. That where the owner of such real property, sold as aforesaid, shall, at the time of such sale, be a minor, insane, or under other legal disabilities, five years after such disability is removed, shall be allowed such person or persons, their heirs or legal representatives, to bring their suit or action for recovery of the real property so sold.

SEC. 25. That sections 247, 248 and 249 of said act be, and the same are hereby repealed.

SEC. 25. That an emergency exists for the immediate taking effect of this act, the same shall therefore be in force from and after its passage.

And when so amended do recommend that the bill do pass.

Mr. Taylor offered the following amendment, amend by numbering section 25 in the report section 26 and insert:

Section 25. That the provisions of this act, and the act to which the same is supplementary and amendatory shall apply to cities and incorporated towns in this State.

Which was adopted.

Mr. Sleeth offered the following amendment: amend the report of the committee so as to also recommend that section 57 be amended by inserting in the first line within the brackets and between the words "other than a national bank" and the word "bank or banks organized under the laws of this State."

Also to amend section 59 by inserting in line five immediately after the words other than National bank and within the brackets the words "or banks incorporated under the laws of the State."

Mr. Daugherty moved to lay the amendment on the table.

Messrs. Sleeth and Hall demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Bird, Boone, Bowman, Brown, Carnahan, Cave, Daggy, Daugherty, Dittemore, Fuller, Francisco, Friedley (of Scott,) Gregg, Harney, Hubbard, Neff, Oliver, Sarnighausen, Slater, Steele, Stroud, Thompson, Wadge, Williams and Winterbotham—26.

Those who voted in the negative were, Messrs. Beardsley, Bunnan, Collett, Friedley (of Lawrence,) Hall, Haworth, Hough, Howard, Miller, Orr, Scott, Sleeth, Smith and Taylor—14.

So the amendment was laid on the table.

The question being, on concurring in the report of the committee.

Messrs. Harney and Daugherty demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beardsley, Bird, Boone, Bowman, Brown, Bunyan, Chapman, Collett, Daugherty, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Gregg, Hall, Haworth, Hough, Howard, Oliver, Rhodes, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Taylor, Thompson, Wadge and Winterbotham—30.

Those who voted in the negative were, Messrs. Armstrong, Carnahan, Cave, Dittemore, Dwiggins, Fuller, Francisco, Harney, Miller, Stroud and Williams—11.

So the report of the committee was concurred in.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Miller, Oliver, Orr, Rhodes, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—41.

Mr. Dwiggins voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Message from the House by Mr. Nixon, Clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following bills, to-wit:

Senate bill No. 160—a bill to amend an act to incorporate the Lawrenceburg Insurance Company, approved February 3, 1832 and the same is herewith returned to the Senate.

House bill No. 526—a bill to provide for the public printing and binding, and the same is herewith submitted to the Senate for its action thereon.

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled acts, to-wit:

Enrolled act No. 153, Senate—an act to amend an act entitled “An act to create a State Normal School,” etc.

Senate act No. 32—an act to legalize the sale of seminary lands in Jasper county to Marion L. Spitler and Margaret Stackhouse, etc., etc.

And the same are herewith returned to the Senate for the signature of the President thereof.

I am directed by the House of Representatives to inform the Senate that the House has concurred in the following resolution of the Senate, to-wit:

WHEREAS, It is represented that prior to the special session of this General Assembly, the State Librarian purchased of Braden & Burford certain stationery and blank books for the use of the General Assembly. And,

WHEREAS, It is further represented that a large portion of such stationery has actually been used by the General Assembly. And,

WHEREAS, It is further represented that the auditor has refused to allow the claim of said Braden & Burford, because of want of authority for said purchase. And,

WHEREAS, It is just and right that the General Assembly should make suitable provisions for its own actual expenses; therefore,

Resolved, By the Senate, the House concurring, that the Joint Committee on the Public Library be authorized and required to investigate the alleged facts above recited. Also to ascertain the

quantity, kinds and prices of said stationery; the amounts used and unused; and to report the facts, and to recommend what action, if any, should be taken by this General Assembly in the premises.

The President announced that he had signed enrolled acts of the Senate, Nos. 32 and 153.

Mr. Steele submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 335, concerning deeds to schools, Saline University and sinking fund lands, etc., have had the same under consideration, and report the same back with the recommendation that it do pass.

Which was concurred in.

Mr. Boone submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 263—a bill to authorize married women to sell and convey certain interests in real estate, and regulating rights connected therewith, have had the same under consideration, and have instructed me to report the same back, with the following amendments, to-wit:

Strike out from and after the enacting clause, and insert the following:

That whenever the title of any married man, in and to any real estate of which he may be seized, shall, by legal conveyance, judicial sale, or other legal means, become transferred to and vested in some other person or persons, or corporations, in which the wife of such married man did not join, or was not a party and bound thereby, the inchoate claim of such wife in such real estate shall, by virtue of such transfer, become a vested estate in such wife as fully in the same extent as if her said husband had died.

Sec. 2. Such wife may claim, hold, possess, enjoy, control, improve, lease, sell, and convey, or otherwise dispose of, any estate in lands vested in her by the provisions of the first section of this act in the same manner she holds her separate property.

SEC. 3. Any property vested pursuant to this act, of which such wife shall die seized, shall descend to the child or children of the marriage, in virtue of which she received the same. If there be no such child or children, then the same shall descend to her said husband or her heirs, according to the law of descents in such case made and provided.

Strike out the title of the bill, and insert in lieu thereof the following:

A bill vesting the inchoate claim of a wife in the real estate of her husband, in certain cases, and defining her rights in the same.

And when so amended do recommend its passage.

Which was concurred in.

Mr. Brown submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 331—a bill fixing the time of holding commissioners' court in counties whose population exceeds thirty thousand, etc., have had the same under consideration, and have instructed me to return the same with a recommendation that it pass.

Which was concurred in.

Mr. Steele submitted the following report:

MR. PRESIDENT:

Your committee to whom was referred Engrossed Senate bill No. 27—a bill to legalize certain acts of corporations organized or attempted to be organized under and by virtue of an act entitled "An act authorizing the construction of plank, Macadamized and gravel roads," approved May 12, 1852; and acts supplemental thereto, have had the same under consideration and recommend the following amendments:

Strike out of lines 5 and 6 in section 1, the words or acts aforesaid; and insert in lieu thereof the words: entitled "An act authorizing the construction of plank, macadamized and gravel roads," approved May 12, 1852, and the acts supplemental thereto.

Add to section 2 the words: "provided further that all actions commenced or pending by or against any such company at the passage of this act, then nothing in this act shall be construed so as to effect the rights of the parties thereto in any manner whatever," and when so amended, recommend that it do pass.

Which was concurred in.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has refused to concur in the amendments of the Senate to House bill No. 213, entitled "A bill defining cruelty to animals, claiming it a misdemeanor and providing a penalty therefor," and the Senate is requested to recede from its amendments thereto.

Mr. Oliver made the following report:

MR. PRESIDENT:

The committee to whom was referred Senate bill No. 125—a bill to provide for the finishing of the State building at the corner of Washington and Tennessee streets by erecting stone platforms in front of the offices on both of said streets have had the same under consideration and herewith return the same and recommend its passage.

Which was concurred in.

Mr. Hall offered the following report:

MR. PRESIDENT:

Your Committee on Corporations to whom was referred Senate bill No. 326—a bill to authorize cities and towns which have negotiated and sold bonds to procure means with which to erect and complete unfinished school buildings and to pay debts for the erection of such buildings to issue bonds, etc., direct me to report the same back with the recommendation that it do pass.

Which was concurred in.

Mr. Brown submitted the following report:

Mr. PRESIDENT:

The Committee on the Judiciary to whom was referred Senate bill No. 334—a bill relating to evidence and bills of exceptions in cases of appeal, have had the same under consideration and have instructed me to return the same with a recommendation that it do pass.

Which was concurred in.

Mr. Dwiggins submitted the following report:

Mr. PRESIDENT:

The Committee on Railroads to whom was referred Senate bill No. 273—a bill relating to the construction of railroads and concerning matters therewith appertaining, have had the same under consideration and have directed me to report the same back with the amendments herewith submitted, amend said bill by striking out all of the enacting clause and inserting the following:

That in all cases where any county or township has voted in favor of an appropriation to aid any railroad company in constructing its road in or through said county or township under the provisions of an act entitled "An act to authorize aid to the contractors of railroads by counties and townships taking stock in and making donations to railroad companies," approved May 12, 1869, and such company on the faith of such vote or appropriation has either completed its road in or through such county or township or has expended in actual construction of its road, a sum equal to or exceeding the amount of such tax, the legality or validity of such tax or appropriation, shall not be disputed or drawn in question in any legal proceeding or otherwise for any informality, defect or omission in the petition or any subsequent proceedings or act but the writs and proceedings in such cases are hereby legalized, ratified and declared valid and binding in law, provided it sufficiently appears that such tax or appropriation was voted for by a majority of the legal voters voting at such election and that such election was fairly conducted and without fraud.

SEC. 2. That in all cases where a city has granted aid in the constructing of any railroad into, through or near such city, either in

bonds or money, after such railroad has been completed into, through or near such city, relying on the aid so granted by the city, the validity or legality of such grant shall not be disputed or drawn in question in any legal proceedings for any informality, defect or omission in any of the proceedings connected therewith, if it sufficiently appears that a majority of the legal voters of such city signed the petition asking for the grant of such aid.

SEC. 3. That the provisions of an act approved January 30, 1873, and entitled "An act supplemental to an act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies," approved May 12, 1869, shall not embrace or apply to any railroad company whose line of road does not exceed twenty-four miles in length in the State, and where the following matters or things all transpired or took place prior to the passage of said supplemental act, viz.: where proceedings were had before the proper board of commissioners, to authorize a vote to be taken, and the prayer of the petition was granted, and a vote taken in pursuance of the provisions of said act of May 12, 1869, and a special tax or one installment thereof was levied in pursuance of such vote; 2. Where money had been expended in procuring the right of way, and above the construction of the whole line of such railroad within this State has been let or contracted for and work has been commenced in the construction of said road, and is being prosecuted in good faith, but in all such cases the tax so authorized shall be levied, collected and applied, as if the said supplemental act, approved January 30, 1873, had never been passed.

SEC. 4. An emergency is hereby declared to exist for the immediate taking effect of this act, and the same shall take effect and be in force from and after its passage.

And when so amended they recommend its passage.

Which was concurred in, and the bill read a second time, and ordered engrossed.

Mr. Hough made the following report :

MR. PRESIDENT :

The committee to whom was referred the claims of William

Beeson, for \$9.10; Weams Heagy, for \$7.40; Milton S. Robinson, for \$5.10; Benj. F. Beeson, for \$9.10; A. R. Rockenfield, for \$5.80; and Geo. W. McGraw, for \$9.60—for services in the Klein-Burson case, have had the same under consideration, and recommend that said claims be allowed, and referred to the Joint Committee on Claims.

Which was concurred in.

Mr. Daugherty submitted the following report:

MR. PRESIDENT:

The committee to whom was referred Senate bill No. 288—a bill relating to interests—have had the same under consideration, and report the same back, recommending that it be indefinitely postponed.

Mr. Slater moved to lay the report on the table.

Messrs. Slater and Daugherty demanded the ayes and noes.

Those who voted in the affirmative were Messrs. Fuller, Gregg and Slater—3.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Bird, Boone, Bowman, Brown, Carnahan, Cave, Chapman, Collett, Daggy, Dittimore, Dwiggin, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Hall, Harney, Haworth, Hough, Howard, Miller, Oliver, Orr, Rhodes, Sarnighausen, Scott, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—38.

So the motion to lay on the table was not agreed to.

The question being on concurring in the report of the committee

SPECIAL ORDER.

The hour of 10 o'clock, a. m. having arrived, being the hour fixed for the consideration of Engrossed House bills Nos. 87, 55, 410, 493, 360 and 382.

The same was taken up.

Mr. Armstrong submitted the following report :

MR. PRESIDENT :

The committee to whom was referred Engrossed House bill No. 87—a bill to amend an act entitled “ An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named ; and for the establishment and regulation of township libraries ; and to repeal all laws inconsistent therewith ; providing penalties therein prescribed,” approved March 6, 1865 ; and adding supplemental sections thereto, beg leave to report that they have had the same under consideration, and recommend its passage, with the following amendment, to-wit :

Amend line ten, section one, by striking out the word “ July,” and inserting in lieu thereof the word “ April.”

Which was concurred in.

Mr. Glessner submitted the following report :

MR. PRESIDENT :

The Committee on Education to whom was referred engrossed House bill No. 382—“ a bill relative to the salary of Superintendent of Public Instructions, and providing the manner of paying the same,” have had the same under consideration, and a majority of the committee have directed me to report the same back and recommend that it do pass.

Which was concurred in.

Mr. Glessner submitted the following report :

MR. PRESIDENT :

The Committee on Education, to whom was referred engrossed House bill, 410—a bill to amend an act entitled “ An act to authorize township trustees, trustees of incorporated towns and the common councils of cities, to levy a tax for school purposes,” approved March 9th, 1867, and extending the assessment and collecting of

the same to the property and polls of persons transferred for school purposes to the township, town or city, and requiring the officers to levy the same to maintain their schools at least six months in each year, and declaring an emergency, have had the same under consideration, and a majority of the committee have directed me to report the same to the Senate recommending its passage.

Which was concurred in.

Mr. Hough submitted the following report:

MR. PRESIDENT:

The Committee on Education, to whom was referred engrossed House bill No. 55, entitled "A bill to amend an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865, and adding supplemental sections thereto, have had the same under consideration, and have directed me to report the same back, with the recommendation that the same do pass.

Which was concurred in.

Mr. Scott submitted the following report:

MR. PRESIDENT:

The Committee on Education, to whom was referred engrossed House bill No. 360—a bill to appropriate one hundred and fifty dollars for the distribution of the report of the Superintendent of Public Instruction, have had the same under consideration, and the committee instruct me to report the bill back to the Senate with the recommendation that the same do pass.

Which was concurred in.

Mr. Scott submitted the following report:

MR. PRESIDENT:

The Committee on Education, to whom was referred engrossed

House bill No. 493—a bill to amend section eight of an act entitled “An act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act,” approved February 18, 1859, have had the same under consideration, and have directed me to report the same back, with the recommendation that it pass.

Which was concurred in.

Engrossed House bill No. 87—a bill to amend an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865, and adding supplemental sections thereto.

Which was read a second time.

Mr. Cave offered the following amendment: Amend section 7 by striking out the the words “on the the first Monday after the second Tuesday in October,” and insert in lieu thereof “at their September term.”

The question being, on the adoption of the amendment.

Messrs. Cave and Fuller demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Brown, Carnahan, Cave, Dittemore, Fuller, Francisco, Friedley (of Lawrence,) Gregg, Slater, Stroud, Wadge and Winterbotham—12.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Bird, Boone, Bunyan, Chapman, Daggy, Daugherty, Dwiggins, Friedley (of Scott,) Gooding, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver Orr, Rhodes, Sarnighausen, Scott, Sleeth, Smith, Steele, Taylor, Thompson and Williams—30.

So the amendment was not adopted.

Engrossed House bill No. 360—a bill to appropriate one hun-
S. J.—50

dred and fifty dollars for the distribution of the report of the Superintendent of Public Instruction.

Which was read a second time.

Engrossed House bill No. 493—a bill to amend section eight of an act entitled an act to provide for the uniform mode of doing township business, prescribing the duty of certain officers in connection therewith, and to repeal all laws conflicting with this act, approved February 15, 1859.

Which was read a second time.

Engrossed House bill No. 410—a bill to amend an act entitled “An act to authorize township trustees, trustees of incorporated towns, and the common council of cities to levy a tax for school purposes, approved March 9th 1867, and extending the assessment and collection of the same to the property and polls of persons transferred for school purposes to the township, town or city, and requiring the officers to levy the same to maintain their schools at least six months in each year and declaring an emergency.

Which was read a second time.

Mr. Collett made the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled Bills have had under consideration, and find correctly enrolled Senate act No. 99—an act to authorize sureties upon notes, bills, bonds or other instruments in writing, who have been compelled to pay the same for their principals, to collect off the principals interest on the amount paid by such sureties at the rate provided for in such original notes, bills, bonds or other instruments in writing held against such principals, and regulating the rate of interest on judgment thereon.

Mr. Hall submitted the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled Bills report that they have this day presented to the Governor Enrolled Senate bills Nos. 153 and 32.

Engrossed Senate Bill No. 153—a bill to amend an act entitled “An act to create a State Normal School and declaring an emergency,” approved December 20, 1865; and adding supplemental sections thereto; and providing for certain appropriations.

Engrossed Senate bill No. 32—a bill to legalize the sale of seminary lands in Jasper county to Marion L. Spitler and Margaret Stackhouse, and directing how the proceeds of said sale shall be applied.

Mr. Neff submitted the following report:

MR. PRESIDENT :

The Engrossing Committee, to whom was referred Senate bill No. 292—a bill regulating the fees of county officers, report that said committee have carefully examined the same and find it correctly engrossed.

Engrossed House bill No. 55—a bill to amend an act entitled “An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed,” approved March 6, 1865, adding supplemental sections thereto.

Which was read a second time.

Mr. Fuller offered the following amendment:

After the word “shall,” in second line, insert “when ordered by the county commissioners.”

Which was adopted.

Mr. Orr offered the following amendment: Amend section nine by striking out last clause of said section, which clause reads as follows: “Or, forfeit one day’s wages for every day’s absence therefrom.”

Which was not adopted.

Mr. Dwiggins moved to have two hundred copies of the bill

printed, and the bill made a special order for 2 o'clock p. m. on Monday next.

Which was agreed to.

Engrossed House bill No. 382—a bill relative to the salary of the Superintendent of Public Instruction and providing the manner of paying the same.

Which was read a second time.

On motion by Mr. Francisco, the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled, 2 o'clock.

Mr. Scott offered the following resolution :

Resolved, That the Secretary be allowed to temporarily employ, if necessary, one additional enrolling and one additional engrossing clerk, and that the President of the Senate be authorized to draw his warrant for the pay of the same for the number of days actually employed from March 1, 1873, to the close of the present session.

Which was adopted.

Mr. Fuller introduced the following Senate Joint Resolution No. 15—a joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence in procuring the passage of an act of Congress by which the time for filing and prosecuting claims for pensions, by them due soldiers, may be extended.

The question being, shall the Joint Resolution pass ?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Daggy, Daugherty, Dwiggin, Fuller, Francisco, Friedley (of Lawrence,) Gooding, Hall, Harney, Haworth, Hough,

Howard, Hubbard, Miller, Neff, Orr, Sarnighausen, Scott, Smith, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—35.

No Senator voting in the negative, the Joint Resolution passed.

The question being, shall the bill as read stand as the title of the Joint Resolution?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage thereof.

Mr. Thompson submitted the following report:

MR. PRESIDENT:

The Committee on Benevolent Institutions, to whom was referred Senate bill No. 333—an act for the relief of indigent cripples of the State of Indiana, have had the same under consideration, and have directed me to return the same, with the recommendation that it do pass.

Which was concurred in.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following bill, to-wit:

House bill No. 534—a bill legalizing the assessment and collection of the municipal taxes for the years 1871 and 1872, of the town of Somerset in Wabash county; and the same is herewith submitted to the Senate for its action thereon.

Mr. Rhodes submitted the following report:

MR. PRESIDENT:

The Committee on Fees and Salaries, to whom was referred Senate bill No. 330, entitled "A bill for an act supplemental to an act fixing the per diem and mileage of members of the General

Assembly and providing that they shall provide their own stationery," approved December 19, 1872, have had the same under consideration, and recommend that the second section be struck out, and when so amended they recommend that the bill pass.

Mr. Brown moved to lay the bill on the table.

Messrs. Neff and Dwiggins demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Bird, Brown, Cave, Chapman, Daggy, Daugherty, Fuller, Francisco, Friedley (of Lawrence), Gregg, Hall, Orr, Rhodes, Scott, Slater, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—23.

Those who voted in the negative were, Messrs. Beardsley, Bowman, Bunyan, Carnahan, Collett, Dwiggins, Gooding, Harney, Haworth, Howard, Hubbard, Miller, Neff, Sarnighausen and Smith—15.

So the bill was laid on the table.

Mr. Scott moved to suspend the constitutional rule requiring bills to be read on three several days, and read engrossed House bill No. 382 a third time, and put it upon its passage.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Boone, Brown, Bunyan, Cave, Chapman, Collett, Daggy, Daugherty, Dwiggins, Fuller, Francisco, Friedley (of Lawrence,) Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Rhodes, Ringo, Sarnighausen Scott, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge and Williams—37.

Those who voted in the negative were, Messrs. Bird, Carnahan, Neff, Orr, and Winterbotham—5.

So the constitutional rule was suspended and engrossed House bill No. 382—a bill relative to the salary of the Superintendent of Public Instruction and prescribing the manner of paying the same, was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Boone, Bowman, Brown, Bunyan, Chapman, Collett, Daggy, Dwiggins, Fuller, Francisco, Gooding, Hall, Harney, Howard, Hubbard, Miller, Rhodes, Sarnighausen, Scott, Sleeth, Steele, Taylor, Thompson, Wadge and Williams—27.

Those who voted in the negative were, Messrs. Bird, Carnahan, Cave, Daugherty, Friedley (of Lawrence,) Gregg, Haworth, Neff, Orr, Slater, Smith, Stroud and Williams—13.

So the bill passed.

The question being, shall the title as read stand as the title of the bill ?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Scott moved to suspend the constitutional rule requiring bills to be read on three several days, and read Engrossed House bill No. 360 a third time and put it upon its passage.

The ayes and noes being taken under the rule.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Bird, Boone, Bowman, Brown, Bunyan, Cave, Chapman, Collett, Daggy, Daugherty, Dwiggins, Fuller, Francisco, Friedley (of Lawrence,) Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Rhodes, Sarnighausen, Scott, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—37.

Those who voted in the negative were, Messrs. Carnahan, Neff, and Slater—4.

So the constitutional rule was suspended, and engrossed House bill No. 360—a bill to appropriate one hundred and fifty dollars for the distribution of the report of the Superintendent of Public Instruction, was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Bird, Bowman, Brown, Bunyan, Cave, Chapman, Collett, Daggy, Dwiggins, Fuller, Francisco, Friedley (of Scott,) Gooding, Gregg, Hall, Harney, Howard, Hubbard, Miller, Rhodes, Sarnighausen, Scott, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—32.

Those who voted in the negative were, Messrs. Beardsley, Carnahan, Daugherty, Friedley (of Lawrence,) Haworth, Orr and Slater—7.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Scott moved to suspend the constitutional rule requiring bills to be read on three several days, and read engrossed House bill No. 410 a third time, and put it upon its passage.

The ayes and noes being taken under the rule.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Bird, Boone, Brown, Bunyan, Chapman, Collett, Daggy, Daugherty, Dwiggins, Friedley (of Lawrence,) Glessner, Gooding, Hall, Harney, Haworth, Hough, Hubbard, Miller, Neff, Orr, Rhodes, Scott, Slater, Steele, Taylor, Thompson, Wadge and Winterbotham—30.

Those who voted in the negative were, Messrs. Bowman, Carnahan, Cave, Fuller, Francisco, Gregg, Howard, Sarnighausen, Stroud and Williams—10.

So the constitutional rule was not suspended.

Mr. Scott moved to make Engrossed House Bill No. 410 a special order for 2 o'clock, p. m. on Monday next.

Which was agreed to.

Mr. Brown moved to make Engrossed House Bill No. 87 a special order for 3 o'clock, p. m., on Monday next.

Which was agreed to.

Mr. Scott moved to suspend the constitutional rule requiring bills to be read on three several days, and read Engrossed House Bill No. 493 a third time, and put it upon its passage.

The ayes and noes being taken under the rule.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Dwiggins, Fuller, Francisco, Friedley (of Lawrence,) Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Hubbard, Neff, Oliver, Rhodes, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—39.

Those who voted in the negative were, Messrs. Bird, Daugherty, Howard and Miller—4.

So the constitutional rule was suspended.

Engrossed House bill No. 493—a bill to amend section eight of an act entitled "An act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859, was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dwiggins, Fuller, Francisco, Friedley (of Lawrence,) Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Orr, Rhodes, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—41.

Senator Bird voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Beardsley moved that Senate bill No. 318 be made a special order for two o'clock p. m. on Tuesday next.

Which was agreed to.

Mr. Rhodes moved to take up Senate bill No. 292.

Which was agreed to.

Senate bill No. 292—a bill regulating the fees of officers, and providing penalties for its violation, repealing certain acts therein named and declaring an emergency.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Bird, Boone, Bowman, Brown, Carnahan, Chapman, Collett, Dagg, Daugherty, Dittemore, Fuller, Francisco, Friedley (of Scott,) Gooding, Harney, Oliver, Orr, Rhodes, Sarnighausen, Scott, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—29.

Those who voted in the negative were, Messrs. Beardsley, Bunyan, Cave, Dwiggin, Friedley (of Lawrence,) Gregg, Hall, Harworth, Hough, Howard, Hubbard, Miller, Neff and Slater—14.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Mr. Scott offered the following amendment:

Amend the title by inserting after the word "named" the following: "And providing duties to be performed by State, county and township officers, and matters properly connected therewith."

Which was adopted.

The question being, shall the title as amended stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Steele moved to take up Senate bill No. 27.

On motion by Mr. Brown, the Senate adjourned until 9:30 o'clock on Monday next.

MONDAY MORNING,

MARCH 3, 1873, 9:30 o'clock.

Senate met.

On motion by Mr. Daugherty, the reading of the Journal of Saturday was dispensed with.

Mr. Daugherty presented the claim of O. M. Eddy for indexing and revising Land Patents, entering description of swamp lands, etc. for \$1,070.00,

Which was referred to the Committee on Claims without reading.

Mr. Bunyan moved to take up engrossed House bills on a first reading.

Which was agreed to.

Engrossed House bill No. 380—a bill legalizing summonses, executions and other processes of law issued by Justices of the Peace in incorporated cities, to the Marshalls of said cities, as also all acts done or performed under and by color of such writs, and protecting such Marshalls from prosecution for acts done under and by color thereof.

Which was read a first time and referred to the Committee on the Judiciary.

Engrossed House bill No. 316—a bill to authorize township trustees to levy an additional tax to the amount now authorized by law, not exceeding twenty-five cents on each one hundred dollars worth of taxable property, in any one year, for the purpose of paying, satisfying and liquidating debts made and contracted by such trustee in the construction, repairing or completing of school-houses, and providing furniture and school apparatus therefor, and declaring an emergency.

Which was read a first time and referred to the Committee on Education.

Engrossed House bill No. 411—a bill to amend section forty-four of an act entitled “An act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed,” approved March 6, 1865.

Which was read a first time and referred to the Committee on Education.

Engrossed House bill No. 434—a bill supplemental to an act entitled “An act concerning licenses to vend foreign merchandise; to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain,” approved June, 15, 1852.

Was read a first time and referred to the Committee on Agriculture.

Engrossed House bill No. 377—a bill declaratory of the law of this State as to the eligibility of women to certain offices therein mentioned.

Which was read a first time and referred to the Committee on Rights and Privileges.

Engrossed House bill No. 384—a bill to repeal section 224 of

an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852; and prescribing an emergency.

Which was read a first time and referred to the Committee on the Judiciary.

Engrossed House bill No. 415—a bill to amend sections 23, 24, 26, 36, 37 and 43 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities," approved March 14, 1867.

Which was read a first time and referred to the Committee on Finance.

Engrossed House bill No. 68—a bill to amend section seventh, clause of section twenty-two, of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852.

Which was read a first time and referred to the Committee on Corporations.

By unanimous consent Mr. Wadge offered the following resolution:

Be it resolved, That the State Librarian be hereby directed to furnish the clerk and door-keepers of the Senate with a copy of the Adjutant General's Reports.

Which was adopted.

Engrossed House bill No. 444—a bill relating to the sale and conveyance of the property heretofore owned and occupied as a county jail, county seat and court house of Perry county, State of Indiana, situated in the town of Rome in said county and State.

Which was read a first time and referred to a select committee, consisting of Messrs. Fuller, Ringo, Bird, Cave and Stroud.

Engrossed House bill No. 272—a bill to regulate the sale of mineral oils and other substances for illuminating purposes.

Which was read a first time and referred to the Committee on Rights and Privileges.

Engrossed House bill No. 473—a bill for the incorporation of companies formed for the purpose of constructing bridges for railway or common roadway purposes, or both, over rivers and streams forming the boundaries of the State of Indiana, or a part thereof.

Which was read a first time and referred to the Committee on Corporations.

Engrossed House bill No. 416—a bill granting the consent of the State of Indiana to the purchase, by the United States, of certain lands for the purpose of the erection of a public building at Evansville, and ceding jurisdiction on the same.

Which was read a first time and referred to the Committee on Federal Relations.

Engrossed House bill No. 395—a bill in relation to the service of summons and publication of notice in civil actions.

Which was read a first time and referred to the Committee on the Judiciary.

Engrossed House bill No. 424—a bill to amend the 120th section of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852.

Which was read a first time, and referred to the Committee on the Judiciary.

Engrossed House bill No. 465—a bill fixing the time of holding courts in the tenth judicial circuit, continuing in force, certain provisions of law in reference thereto, and prescribing the length of terms in the several counties thereof.

Which was read a first time, and referred to the Committee on the Judiciary.

Engrossed House bill No. 344—a bill in relation to the terms of the circuit court and court of common pleas of Gibson county.

Which was read a first time, and referred to the Committee on the Organization of Courts.

Engrossed House bill No. 350—a bill for an act concerning cemeteries.

Which was read a first time, and referred to the Committee on County and Township Business.

Engrossed House bill No. 275—a bill to provide for the acquisition and enjoyment by the United States of lands within this State for public purposes.

Which was read a first time, and referred to the Committee on Federal Relations.

Engrossed House bill No. 504—a bill supplemental and amendatory of an act entitled “An act to provide a uniform assessment of property, and for the collection and return of taxes thereon, approved December 21, 1872.

Which was read a first time, and referred to the Committee on Finance.

Engrossed House bill No. 333—a bill concerning the granting of divorces.

Which was read a first time, and referred to the Committee on Rights and Privileges.

Engrossed House bill No. 422—a bill fixing the terms of the court of common pleas of Dearborn county.

Which was read a first time, and referred to to the Committee on the Organization of Courts.

Engrossed House bill No. 421—a bill fixing the terms of the circuit court in Dearborn county.

Which was read a first time and referred to the Committee on the Organization of Courts.

Engrossed House bill No. 270—a bill to provide for the service of summons in suits commenced before justices of the peace, where defendants reside in adjoining counties, providing for the rendition of judgments, and issuing of executions thereon.

Which was read a first time, and referred to the Committee on the Judiciary.

Engrossed House bill No. 282—a bill to fix the times of holding courts in the twentieth judicial district.

Which was read a first time, and referred to the Committee on the Organization of Courts.

Engrossed House bill No. 311—a bill for an act fixing the time of holding the courts in the fifth judicial circuit,

Which was read a first time, and referred to the Committee on the Organization of Courts.

Engrossed House bill No. 341—a bill supplemental to an act for the relief of the Indiana University, and to increase and extend its benefits by providing for the sale of the lands granted by the United States for the use of said University, regulating the application of the proceeds of the sales thereof, and prescribing the duties of the officers therein mentioned in relation thereto, approved March 2, 1859.

Which was read a first time, and referred to the Committee on Education.

By unanimous consent, Mr. Taylor introduced Senate bill No. 340—a bill in relation to the Purdue University, and for the organization of the board of trustees thereof.

Which was read a first time, and referred to the Committee on Education.

Mr. Thompson presented the claims of John Abrams and John Jones for raising coal from the cellar for the Senate chamber.

Which was referred to the Committee on Claims without reading.

Engrossed House bill No. 201—a bill exempting property of cities and incorporated towns from sale in certain cases on execution or order of any court, and declaring an emergency.

Which was read a first time and referred to the Committee on Corporations.

Engrossed House bill No. 181—a bill defining misdemeanors, prescribing the punishment therefor, and repealing all laws in conflict therewith.

Which was read a second time and referred to the Committee on Agriculture.

Mr. Collett submitted the following report :

MR. PRESIDENT :

The Committee on Engrossed bills have had the following bills under consideration and find the same correctly engrossed.

Senate bill No. 310—an act to provide for the collection of agricultural, mineral and mechanical productions of Indiana, and their display at the Vienna Exposition, for the appointment of a commissioner and providing for expenses connected therewith.

House bill No. 224—an act for the relief of Nicholas Morback, Joseph E. Lang and Francis Joseph Wetzler.

Engrossed House bill No. 271—a bill for an act to amend section 652 of an act entitled “An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,” approved January 18, 1852.

Which was read a first time and referred to the Committee on the Judiciary.

Engrossed House bill No. 266—a bill to amend an act entitled “An act for the opening, vacating and changing of highways,” approved June 17, 1852.

Which was read a first time and referred to the Committee on Roads.

Engrossed House bill No. 303—a bill to amend sections two and six of an act entitled “An act providing for a Geological survey and for the collection and preservation of a geological and mineralogical cabinet of the Natural History of this State and creating the office of State Geologist, defining his duties, fixing his salary, and appropriating a sufficient amount of money to defray the necessary expenses of said survey and the collection and preservation of said cabinet.”

Which was read a first time and referred to the Committee on Agriculture.

Engrossed House bill No. 236—a bill providing for taking the census of the qualified voters of this State on the calling of a Convention to alter, amend or revise the Constitution of the State.

Which was read a first time and referred to the Committee on Elections.

Engrossed House bill No. 376—a bill concerning cemeteries.

Which was read a first time and referred to the Committee on County and Township Business.

Engrossed House bill No. 353—a bill to prohibit township trustees from levying a road tax upon real or personal property, in incorporated towns and cities.

Which was read a first time and referred to the Committee on County and Township Business.

Engrossed House bill No. 339—a bill defining certain felonies and prescribing punishment therefor.

Which was read a first time and referred to the Committee on the Judiciary.

Engrossed House bill No. 408—a bill to amend the 311th section of an act entitled “An act to revise, simplify and abridge the rules, practice, pleadings and forms, in civil cases, in the courts of this State, to abolish district forms of action at law and to provide for

the administration of justice in a uniform mode of pleading and practice without distinction between law and equity."

Which was read a first time and referred to the Committee on the Judiciary.

Engrossed House bill No. 186—a bill to amend an act entitled "An act declaring the having of carnal knowledge of an insane woman, in certain cases, to be a felony, and making accessories principals therein, and prescribing the punishment therefor.

Which was read a first time and referred to the Committee on the Judiciary.

Engrossed House bill No. 390—a bill to amend the 447th section of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity."

Which was read a first time and referred to the Committee on the Judiciary.

Engrossed House bill No. 354—a bill to consolidate certain mortgage loans, forfeitures, bills receivable, and other debts and accounts due the school fund, into one negotiable bond, and making other provisions in relation thereto.

Which was read a first time and referred to the Committee on Finance.

Engrossed House bill No. 456—a bill for an act to amend the charter of the town of Clinton, granting to the board of trustees of said town certain powers, and legalizing certain acts of said president and trustees of said town.

Which was read a first time and referred to the Committee on Corporations.

Engrossed House bill No. 319—a bill defining the crime of embezzlement by certain officers, and prescribing the punishment therefor.

Which was read a first time and referred to the Committee on the Judiciary.

Engrossed House bill No. 368—a bill regulating Legislative practice as to allowance of claims against the State of Indiana.

Which was read a first time and referred to the Committee on Claims.

Engrossed House bill No. 288—a bill supplemental to an act authorizing the construction of plank, Macadamized and gravel roads, approved May 12, 1852.

Which was read a first time and referred to the Committee on Corporations.

Engrossed House bill No. 430—a bill to amend sections five and six of an act entitled "An act to authorize the Boards doing county business to declare water courses navigable," approved May, 31, 1872.

Which was read a first time and referred to the Committee on County and Township business.

Engrossed House bill No. 453—a bill to legalize the incorporation of the town of Kentland, Newton county, Indiana and the official acts of the several boards of trustees of said town and all other officers of said corporation under an act for the corporation of towns defining their powers providing for the election of officers thereof and declaring their duties, approved June 11, 1852, and all by-laws, rules, regulations and proceedings adopted in pursuance thereof.

Which was read a first time and referred to the Committee on Corporations.

Engrossed House bill No. 362—a bill to amend section three of an act entitled "An act to provide compensation to the owners of animals killed or injured by the cars, locomotives, or other carriages of any railroad company in this State," approved March 1, 1853.

Which was read a first time and referred to the Committee on Corporations.

Engrossed House bill No. 447—a bill to amend section one of

an act entitled "An act in relation to the change of public highways," approved March 11, 1867.

Which was read a first time and referred to the Committee on Agriculture.

Engrossed House bill No. 312—a bill to provide against intoxication on the part of public officers and to provide for their removal from office therefor.

Which was read a first time and referred to the Committee on Temperance.

Message from the House by Mr. Nixon clerk thereof.

MR PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following Enrolled Senate act to-wit:

Enrolled act No. 99, Senate—An act to authorize sureties upon notes, bills, bonds, or other instruments in writing, who have been compelled to pay the same for their principals, to collect of the principals interest on the amount paid by such sureties, at the rate provided for in such original notes, bills, bonds, or other instruments in writing, held against such principals, and regulating the rate of interest on judgments rendered thereon.

And the same is herewith returned to the Senate for the signature of the President thereof.

Engrossed House bill No. 335—a bill to authorize the auditor of Scott county to correct the report made to the Superintendent of Public Instruction, relating to the school fund, common and congressional, as required by an act entitled "An act requiring county auditors to make examination of the records of their offices in relation to school funds, and make report, and providing compensation therefor," approved December 21, 1865, and declaring an emergency.

Which was read a first time, and referred to the Committee on County and Township Business.

Engrossed House bill No. 534—a bill legalizing the assessment and collection of the municipal taxes, for the years 1871 and 1872, of the town of Summerset, in Wabash county.

Which was read a first time, and referred to the Committee on Corporations.

Engrossed House bill No. 489—a bill to amend section five of an act entitled "An act to incorporate the town of Huntington," approved February 16, 1848.

Which was read a first time, and referred to the Committee on Corporations.

Engrossed House bill No. 495—a bill to amend section one of an act entitled "An act to amend sections nine, ten, eighteen, nineteen, twenty-three, twenty-four and thirty-three, of an act entitled an act to incorporate the town of Vernon, Jennings county, Indiana," approved December 20, 1865, and to legalize certain ordinances of said corporation.

Which was read a first time, and referred to the Committee on Corporations.

Engrossed House bill No. 526—a bill for an act to provide for the public printing and binding.

Which was read a first time, and referred to the Committee on Printing, with instructions to report the same back to-morrow.

Mr. Dittmore moved to suspend the order of business, and take up Senate bill No. 290.

Which was agreed to.

Mr. Harney submitted the following majority report:

MR. PRESIDENT :

The Select Committee, to whom was referred Senate bill No. 290—an act to suspend the operations and provisions of an act approved May 13th, 1869, being an act to establish a female prison and reformatory institution for girls and women, to provide for the organization and government thereof, and making appropriations,

and to provide for occupying and using the buildings and grounds of the institution lately erected by the State known as the Indiana Reformatory Institution for Women and Girls, for the benefit of the insane as an additional asylum, and arranging for their transfer, management and government, and making appropriations for the same, together with a report from the Committee on the Judiciary have to report: That in accordance with the suggestions in said report from the Committee on the Judiciary they have proceeded to make personal inspection of the grounds and buildings referred to in said report and which it is contemplated to be used as a temporary hospital for the insane, the committee find the title to the property unquestionable, and that there is no contract out for any work to be done on the building so far as they could ascertain.

They also find that the building is very nearly completed, and by the use of the money already appropriated for its completion, with a slight addition, be made to accommodate as many as two hundred insane persons, and while the committee regret to temporarily disappoint the objects and expectations of the founders of the Reformatory Institute for Women and Girls, they believe the claims of the unfortunate insane are paramount to every objection. The committee, therefore, recommend the following amendment to the bill:

Amend section two, third line; after the word "care" add the words "and treatment." Strike out all of same section after the word "apart," in line eleven, and substitute as follows: As an additional hospital for the insane and the commissioners of the hospital for the insane now in office are hereby empowered and directed to make the necessary arrangements to have transferred to said additional hospital for the insane, as many insane persons as the same will accommodate, so soon as the said building can be made ready to receive such persons. Strike out all of section three, and substitute as follows:

The board of managers of the Indiana Reformatory Institute for Women and Girls, upon notice from the commissioners of the Indiana Hospital for the Insane, as now organized by law, shall deliver up to said commissioners full and complete possession of the building and grounds of said Reformatory Institute, together with all other property and material appertaining thereto; also all contracts and papers of any importance in reference thereto; and

also all money and unexpended appropriations subject to their order or control; and said board of managers shall immediately make a report to the Governor of all their proceedings, and account for all moneys received and expended, which report the Governor shall lay before the next General Assembly, after which the office of board of managers the Indiana Reformatory Institute for Women and Girls shall cease to exist until again established by law.

Strike out sections four, five, six and seven, and substitute as follows:

SEC. 4. The said Commissioners of the Hospital for the Insane shall, immediately after taking possession of said building and property, proceed to complete said building as near upon the original plan as practicable, taking into consideration its temporary use as a hospital for the insane, until other buildings are erected for that purpose; and shall make such changes and arrangements as are necessary to the comfort and treatment of as many insane persons as the building can accommodate. The commissioners may expend a reasonable amount of money in improving the grounds and enclosing the same; and said building and institution, while used as a hospital for the insane, shall be known and designated as Branch of Indiana Hospital for the Insane.

SEC. 5. The laws, rules and regulations for the government and management of the Indiana Hospital for the Insane, which are now in force, or which may hereafter be adopted, shall be likewise in force for the government and management of the Branch Hospital. The Board of Commissioners of the Insane Hospital shall appoint some competent physician as an assistant superintendent, who shall have charge of the internal affairs of the Branch Hospital, who may employ such assistants and employees as may be necessary for the efficient management of the institution, subject to the control of the board.

SEC. 6. The Superintendent of the Hospital of the Insane shall as often as once in each month make personal inspection of the Branch Hospital, and shall make and prescribe all rules and regulations for the reception of Insane persons in the Branch Hospital, and it shall be the duty of the assistant to co-operate with the

superintendent in all matters relating to the general management of the institution, so as to subserve the best interest of the State.

SEC. 7. The Auditor of State shall keep separate and distinct accounts with each insane hospital, and shall also keep the accounts of the branch hospital for the insane in such a manner that he can show what amount was spent for building and improvements, and what amount for the ordinary expenses of the institution; and it shall be the duty of the officers building and improving or managing the said branch institution, to keep their books and accounts and make their orders in such a manner as to show the amount paid out for the different classes of expenditures; and it shall be the duty of the assistant superintendent to report to the superintendent on the first of each month a complete account of his expenditures, and the general condition of his institution, and such other facts as may be required of him.

SEC. 8. To meet the expenditures necessary to complete the building and improve and fence the ground intended to be used as temporary branch hospital for the insane there is hereby appropriated the sum of ten thousand dollars which is to be taken as additional to the unexpended amount hitherto appropriated by this General Assembly for the purpose of completing the "Indiana Reformatory Institution for Women and Girls," there is also hereby appropriated such sum as is necessary for ordinary expenses of the said branch hospital to be drawn by orders on the Treasurer of State, under such rules and regulations as may be prescribed by the board of commissioners for the hospital for the insane.

SEC. 9. It is hereby declared that an emergency exists and this act shall be in force from and after its passage, and when so amended, they recommend its passage.

Mr. Thompson submitted the following minority report :

MR. PRESIDENT :

The undersigned a minority of the special committee to whom was referred Senate bill No. 290, begs leave to report that he is constrained to dissent from the conclusion to which the majority of the committee have arrived in relation to converting the building erected for the Indiana Reformatory Institution for Women

and Girls, into a hospital for the insane. Such a diversion of the building from the purpose for which it was built ought not to be made, for the following reasons: viz:

1st. The building is not adapted to the safe keeping and proper treatment of the insane, and any attempt to convert it to such a purpose must of necessity result in a failure, and bring mortification in the end to those who shall become responsible for such a measure.

2d. The scandal and gross immorality which a few years ago grew out of the confinement of women in the Jeffersonville penitentiary, an institution intended for male prisoners and governed exclusively by men, aroused public indignation to such an extent that the Legislature was compelled to make provision for the confinement of female convicts in a separate institution, where such abuses will be practically impossible. The result was the erection of this building which is now proposed to be converted into a hospital for the insane. The same reasons which induced the Legislature four years ago to provide for a separate prison for women still exist, and if such an institution is not supplied the State may again at no distant day be disgraced by the conversion of the Southern prison into a house of prostitution.

3. Experience has shown that it will not do to receive girls into the House of Refuge at Plainfield unless you convert it into a prison and destroy its reformatory character. It now is and should continue to be an industrial reform school for boys, and the State needs a similar institution for girls. The Indiana Reformatory Institution for women and girls will supply the want.

The institution will consist of two separate departments, one penal for convicts and the other reformatory for girls under the age of fifteen years, who are in danger of going to destruction, or have been guilty of offences against the penal laws of the State. It is better to defer the erection of new institutions for the insane for a year or two until revenue can be collected for the purpose than to attempt to provide for their care and treatment in a building not at all adapted to their wants, and which is besides greatly needed for the purpose for which it was erected.

Indiana is able and willing to do her whole duty towards every

class of unfortunates within her borders, but this duty can not be performed in a day, but must necessarily be the work of time. It would have been better if the unfortunate insane, who are now unprovided for, had been considered two years ago when Senators were engaged in the folly of reducing the State tax to five cents on the hundred, but as this was not done we must, from necessity, wait until the treasury can be replenished by the levy of a new tax before it is possible to make appropriate provision for the most meritorious class of our unfortunate and helpless people.

For this reason I entirely dissent from the report of the majority of the committee and recommend that the bill do lie upon the table.

Senate bill No. 290—a bill to suspend the operations and provisions of an act approved May 13, 1869, being an act to establish a female prison and reformatory institution for girls and women; to provide for the organization and government thereof; and making appropriations and to provide for occupying and using the buildings and grounds of the Institution lately erected by the State, known as the Indiana Reformatory Institution for Women and Girls; for the benefit of the insane, as an additional asylum, and arranging for their transfer, management and government, and making appropriation for the same.

Which was read a second time.

Mr. Dwiggin moved that the reports and bill be made a special order for 3 o'clock this afternoon.

Which was agreed to.

By unanimous consent Senate bill No. 34—a bill to amend sections 90 and 103 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in this State," approved June 17, 1852; and declaring an emergency, was read a second time and ordered engrossed.

By unanimous consent Mr. Oliver introduced Senate bill No. 341—a bill to amend an act authorizing street or horse-car railway companies to use State, county or township roads, or other public highways for street railway track, under certain conditions and regulations," approved March 6, 1865, which was read a first time and referred to the Committee on the Judiciary.

Mr. Harney moved that Senate bill No. 300 be made a special order for 4 o'clock, p. m., this day.

Which was agreed to.

Mr. Gregg introduced Senate joint resolution No. 16—a joint resolution in relation to railroad companies and corporations, and defining the duties and giving directions to the Attorney General as to suits and proceedings now pending, and which may hereafter be brought.

Mr. Gregg moved to make the resolution a special order for 4:30 o'clock, p. m., this day.

Mr. Brown moved to refer the resolution to the Committee on the Judiciary.

On motion by Mr. Dittmore, the Senate took a recess until 2 o'clock, p. m.

AFTERNOON SESSION.

Senate re-assembled, 2 o'clock.

Mr. Brown moved to suspend the order of business and take up Engrossed House bill No. 36.

Which was agreed to.

Engrossed House bill No. 36—a bill to amend sections one and six of an act entitled "An act to incorporate the Franklin Insurance Company," approved February 13, 1851.

Which was taken up.

Mr. Brown moved to reconsider the vote adopting the amendment heretofore offered by Mr. Sleeth.

Mr. Hall moved to lay the motion to reconsider on the table.

Which was not agreed to.

The question being on the motion by Mr. Brown to reconsider

Messrs. Chapman and Hough demanded the ayes and noes.

Those who voted in the affirmative were Messrs. Armstrong, Beardsley, Bird, Bowman, Brown, Bunyan, Carnahan, Cave, Collet, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Gooding, Harney, Miller, Oliver, Rosebrugh, Sarnighausen, Scott, Slater, Stroud, Taylor, Thompson, Wadge and Williams—30.

Those who voted in the negative were Messrs. Chapman, Gregg, Hall, Haworth, Hough, Howard, Hubbard, Smith, Steele and Winterbotham—10.

So the motion to reconsider was agreed to.

The question being on the adoption of the amendment,

Mr. Brown moved to lay the amendment on the table.

Which was agreed to.

Mr. Brown moved that the bill be read a third time now and put upon its passage.

Messrs. Steele and Smith demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Bird, Bowman, Brown, Bunyan, Carnahan, Cave, Collett, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Gooding, Gregg, Harney, Haworth, Miller, Oliver, Rosebrugh, Sarnighausen, Scott, Slater, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—32.

Those who voted in the negative were, Messrs. Beardsley, Chapman, Hall, Hough, Howard, Hubbard, Rhodes, Smith and Steele—9.

So the motion to read the bill a third time now was agreed to.

Engrossed House bill No. 36—a bill to amend sections one and six of an act entitled "An act to incorporate the Franklin Insurance Company," approved February 13, 1851.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Bird, Bowman, Brown, Bunyan, Carnahan, Cave, Collett, Daggy, Daugherty, Dittmore, Dwiggin, Fuller, Francisco, Friedley (of Lawrence,) Glessner, Gooding, Harney, Miller, Oliver, Rosebrugh, Sarnighausen, Scott, Slater, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—30.

Those who voted in the negative were, Messrs. Beardsley, Chapman, Friedley (of Scott,) Gregg, Hall, Haworth, Hough, Howard, Hubbard, Rhodes, Smith and Steele—12.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill?

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following Senate bills, to-wit:

Senate bill No. 10—a bill to amend section fifty-eight of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.

Senate bill No. 69—a bill authorizing and empowering cities, incorporated under any general law of this State for the incorporation of cities, and owning real estate, to sell and convey the same in whole or in parcels, as the common council of such city or cities may deem expedient, and prescribing in what manner the same may be conveyed, and declaring an emergency.

And the same are herewith returned to the Senate.

I am also directed by the House of Representatives to inform the Senate that the House has passed the following House bills, to-wit:

Engrossed House bill No. 195—a bill to amend the first section of an act entitled “An act to incorporate the University of Notre Dame du Lac, at South Bend, St. Joseph county, Indiana,” approved January 15, 1844.

Engrossed House bill No. 224—a bill to amend the first section of an act approved January 14, 1846, entitled “An act to incorporate a female seminary of St. Mary’s of the Woods, in Vigo county, Indiana, by authorizing schools for youth, and orphan asylum, a hospital and other works of charity by said corporation.

And the same are herewith submitted to the Senate for its action thereon.

I am also directed by the Speaker of the House to inform the Senate that he has signed the following enrolled acts of the Senate, to-wit:

No. 224—an act for the relief of Nicholas Moreback, Joseph E. Lang and Francis Joseph Wetzler.

No. 310—an act to provide for collecting agricultural, mineral and mechanical productions of Indiana, and their display at the Vienna Exposition; for the appointment of a commissioner and assistant commissioner, and provide for expenses connected therewith.

And the same are herewith returned to the Senate for the signature of the President thereof.

Mr. Hall submitted the following report:

MR. PRESIDENT:

The Committee on Engrossed Bills have had the following bill under examination, and find the same correctly engrossed:

Engrossed Senate bill No. 34—a bill to amend section ninety of an act entitled “An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of

this State," approved January 17, 1852, and declaring an emergency.

The hour of two o'clock p. m., having arrived, being the hour fixed for the consideration of engrossed House bills Nos. 55, 410 and 87,

The same were taken up.

Engrossed House bill No. 55 was first considered.

Mr. Dwiggins offered the following amendment:

Amend Section two by striking out the word "triennially," in line two, page three, and insert in lieu thereof the word "biennially." Further amend section two by striking out the word "such," in line three, page five, and insert in lieu thereof the word "the."

Mr. Steele moved to lay the amendment on the table.

Which was not agreed to.

The question being on the adoption of the amendment,

It was adopted.

Mr. Dwiggins offered the following amendment: Amend section two by striking out of lines four and five, page three, "and an experienced and successful teacher."

Which was adopted.

Mr. Dwiggins offered the following amendment: Amend section four by striking out after the word "year," in line three, page nine, these words, "and as much oftener as he may deem it necessary."

Which was adopted.

Mr. Dwiggins offered the following amendment: Adding after the word "superintendent," in lines ten and eleven, on page ten, the following: "Provided that nothing in this act shall be so construed as to change or abridge the jurisdiction of any court in cases arising under the school laws of this State, and the right of any person to bring such in any court in any case, arising under the school laws, shall not be abridged by the provisions of this act."

Which was adopted.

Mr. Dwiggin offered the following amendment: Amend section nine by adding to said section these words, "unless such absence shall be occasioned by sickness."

Which was adopted.

Mr. Rosebrugh offered the following amendment: Strike out all of line two, section two, after the figures 33 to the word townships inclusive, and insert the following, "the board of commissioners of the several counties."

The question being on the adoption of the amendment.

Messrs. Slater and Rosebrugh demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Bird, Bowman, Carnahan, Cave, Daugherty, Dittemore, Fuller, Francisco, Friedley (of Scott,) Glessner, Gregg, Rhodes, Rosebrugh, Sarnighausen, Smith, Stroud, Williams and Witherbotham—18.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Bunyan, Chapman, Collett, Daggy, Dwiggin, Friedley (of Lawrence,) Gooding, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Oliver, Scott, Slater, Steele, Taylor and Thompson—22.

So the amendment was not adopted.

Mr. Scott offered the following amendment: Whenever a vacancy shall occur in the office of county superintendent by death, resignation or removal, the said trustee, on the notice of the county auditor shall assemble at the office of said auditor, and fill such vacancy for the unexpired portion of the term in the manner herein provided, and the county auditor shall be clerk at such election in all cases, and give the casting vote in case of a tie, and shall keep the record of such election in a book to be kept for that purpose.

Which was adopted.

Mr. Dwiggin offered the following amendment: Provided the school examiners of the several counties in the State shall dis-

S. J.—52

charge their duties until a Superintendent shall be elected and qualified under this act.

Which was adopted.

Mr. Dwiggins moved that the amendments be considered engrossed and the bill read a third time and put upon its passage.

Which was agreed to.

Engrossed House bill No. 55—a bill to amend an act entitled “An act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed,” approved March 6, 1865, and adding supplemental section thereto.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were Messrs. Armstrong, Beardsley, Bowman, Brown, Bunyan, Chapman, Collett, Daggy, Dwiggins, Glessner, Gooding, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Oliver, Rhodes, Scott, Slater, Steele, Taylor, Thompson and Wadge—26.

Those who voted in the negative were Messrs. Bird, Carnahan, Cave, Daugherty, Fuller, Francisco, Friedley (of Lawrence), Gregg, Rosebrugh, Sarnighausen, Sleeth, Smith Stroud, Williams and Winterbotham—15.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Brown presented claim of William H. English for rent of

committee rooms for special and regular sessions of the General Assembly, amounting to \$4.25, which was referred to the Committee on Claims.

The President announced that he had signed Enrolled Act of the Senate No. 310; Enrolled Act of the Senate No. 99, and Enrolled Act of the House No. 224.

On motion by Mr. Scott, Engrossed House bill No. 410 was next taken up.

Engrossed House bill No. 410—a bill to amend an act entitled “An act to authorize township trustees, trustees of incorporated towns, and the common council of cities, to levy a tax for school purposes,” approved March 9, 1867; and extending the assessment and collection of the same to the property and polls of persons transferred to the township, town or city, and requiring the officers to levy the same to maintain their schools at least six months in each year; and declaring an emergency.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Brown, Bunyan, Collett, Daugherty, Glessner, Gooding, Hall, Harney, Haworth, Hough, Hubbard, Miller, Oliver, Rhodes, Scott, Slater, Sleeth, Steele, Taylor and Thompson—22.

Those who voted in the negative were, Messrs. Bird, Bowman, Carnahan, Cave, Chapman, Dittmore, Dwiggin, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Gregg, Howard, Rosebrugh, Sarnighausen, Smith, Stroud, Williams and Winterbotham—19.

So the bill failed to pass for want of a constitutional majority.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills have had under consideration, and find correctly enrolled, the following bill, viz:

House Enrolled bill No. 36—an act to amend sections one and

six of an act entitled "An act to incorporate the Franklin Insurance Company," approved February 13, 1851.

Engrossed House bill No. 87—a bill to amend an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865, and adding supplemental sections thereto.

Which was read a third time.

By unanimous consent, Mr. Hough offered the following amendment:

Amend section eleven by striking out all between the end of the fifth line, and the word "which," in line nine, and insert in lieu thereof the following: "For their services while actually engaged in the duties of their office five dollars per day, and five cents per mile for each mile necessarily traveled while so engaged."

Which was adopted.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Bunyan, Chapman, Collett, Daggy, Daugherty, Dwiggins, Friedley (of Scott,) Glessner, Gooding, Hall, Harney, Hough, Howard, Hubbard, Miller, Oliver, Rhodes, Scott, Slater, Sleeth, Steele, Taylor, Thompson and Wadge—26.

Those who voted in the negative were, Messrs. Bird, Bowman, Carnahan, Cave, Dittemore, Fuller, Francisco, Friedley (of Lawrence,) Gregg, Haworth, Rosebrugh, Sarnighausen, Smith, Stroud Williams and Winterbotham—16.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Message from the House by Mr. Nixon, Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled act of the House, to-wit:

Enrolled act No. 36, House of Representatives—an act to amend sections one and six of an act entitled “An act to incorporate the Franklin Insurance Company,” approved February 13, 1851, and the same is herewith submitted to the Senate for the signature of the President thereof:

The President announced that he had signed enrolled act of the House No. 36.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills report that they have this day presented to the Governor Senate bill No. 310 for his approval, an act to provide for collecting agricultural, mineral and mechanical productions of Indiana and their display at the Vienna Exposition, for the appointment of a Commissioner and Assistant Commissioners and to provide for expenses connected therewith. Also,

House Enrolled Act No. 224—an act for the relief of Nicholas Moreback, Joseph E. Lang and Francis Joseph Wetzler. Also,

Senate bill No. 99—an act to authorize sureties upon notes, bills, bonds or other instruments in writing, who have been compelled to pay the same for their principals to collect off the principal's interest on the amount paid by such sureties, at the rate provided for in such original notes, bills, bonds or other instruments in writing held against such principal, and regulating the rate of interest on judgments thereon.

SPECIAL ORDER.

The hour of 4 o'clock, p. m., having arrived, being the hour for the consideration of Senate bill No. 290, and reports of committee thereon. The same was taken up.

The question being on the adoption of the minority report of the committee.

Mr. Dittemore moved to lay the report on the table.

Which was agreed to.

The question then being on concurring in the majority report of the committee.

Messrs. Thompson and Haworth demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beardsley, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Gregg, Harney, Hough, Hubbard, Miller, Rhodes, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Williams and Winterbotham—37.

Messrs. Armstrong, Hall, Haworth, Howard, Oliver and Thompson voting in the negative.

So the majority report of the committee was concurred in.

Mr. Friedley (of Lawrence) moved to suspend the constitutional rule requiring bills to be read on three several days, consider the bill engrossed, and to read the bill a third time now, and put it upon its passage.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Gregg, Hall, Harney, Hough, Hubbard, Miller, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Williams and Winterbotham—38.

Those who voted in the negative were Messrs. Haworth, Howard, Oliver and Thompson—5.

So the constitutional rule was suspended, and

Senate bill No. 290—an act to suspend the operations and provisions of an act approved May 13, 1869, being an act to establish a Female Prison and Reformatory Institution for Women and Girls, to provide for making appropriations, and to provide for occupying and using the building and grounds of the Institution lately erected by the State known as the “Indiana Reformatory Institution for Women and Girls,” for the benefit of the insane as an additional asylum, and arranging for the transfer, management and government, and making appropriations for the same,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Beardsley, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Francico, Friedley (of Scott.) Friedley (of Lawrence,) Glessner, Gooding, Gregg, Harney, Hough, Hubbard, Miller, Rosebrugh, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Wadge, Williams and Winterbotham—36.

Those who voted in the negative were, Messrs. Armstrong, Hall, Haworth, Howard, Oliver and Thompson—6.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed Senate bill No. 273—a bill in relation to the construction of railroads, and legalizing certain acts in connection therewith, and declaratory of the true intent and meaning of the act, approved January 30, 1873, in the act mentioned.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Brown, Chapman, Collett, Dittemore, Dwiggin, Friedley (of Scott,) Friedley (of Lawrence,) Harney, Haworth, Howard, Miller, Oliver, Scott, Taylor, Thompson, Wadge, Williams and Winterbotham—20.

Those who voted in the negative were, Messrs. Bird, Boone, Bowman, Bunyan, Carnahan, Daugherty, Fuller, Gregg, Hubbard, Rhodes, Rosebrugh, Sarnighausen, Smith, Steele and Stroud—15.

So the bill failed to pass for want of a constitutional majority.

On motion by Mr. Dittemore, the Senate adjourned until 9:30 o'clock a. m. on to-morrow.

LEONIDAS SEXTON,
President of the Senate.

TUESDAY MORNING,

MARCH 4, 1873, 9:30 O'CLOCK.

Senate met.

On Motion by Mr. Scott, the reading of the Journal of yesterday was dispensed with.

By unanimous consent engrossed House bill No. 224—a bill to amend the first section of an act approved Jan. 14, 1846, entitled "An act to incorporate the Female Seminary of St. Mary's of the Woods in Vigo county, Indiana, by authorizing schools for youth, and orphan asylum, a hospital and other works of charity by said corporation."

Which was read a first time and referred to the Committee on Corporations.

By unanimous consent engrossed House bill No. 195—a bill to amend the first section of an act to incorporate the University Notre Dame Du Lac at South Bend in this State.

Which was read a first time and referred to the Committee on Corporations.

By unanimous consent engrossed House bill No. 226—a bill for an act to amend the four hundred and fifty-third section of an act entitled “An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity,” approved June 18, 1852, and declaring an emergency.

Which was read a first time and referred to the Committee on the Judiciary.

Mr. Cave offered the following resolution :

WHEREAS, House bill No. 446, being an act entitled an act to repeal section fifty-five of an act entitled “An act to authorize and regulate the business of general banking,” approved March 3, 1855, which passed the House on the 19th day of February, 1873, and was reported to the Senate on the same day, has disappeared from the files of the Senate. Therefore,

Resolved, That the Secretary of the Senate be and he is hereby directed to produce said House bill, No. 446, to this Senate at once.

Mr. Dittmore moved to lay the resolution on the table.

Which was agreed to.

Mr. Hough submitted the following report:

MR. PRESIDENT :

The Committee on Public Printing, to whom was referred House bill No. 526, entitled “A bill for an act to provide for the public printing and binding,” have had the same under consideration, and have directed me to return the same to the Senate with the recommendation that section three thereof be amended by striking out all between the word “shall,” in line two, and the word “the” in

line three, and insert in lieu thereof the words "contract for and let." And that section three be further ammended by adding the following thereto: And said board shall, before making any contract under the provisions of this act, give thirty days' notice by publication in four newspapers of general circulation, two of which shall be published in the city of Indianapolis, one in the city of Cincinnati, and one in the city of Chicago, of the time and place when and where such contract will be let, specifying in such notice the kinds and quantities, as near as may be, of the work to be done, and materials to be furnished; and, at the time and place mentioned in such notice, said board shall attend, and shall then and there remain in open session not less than three hours, and receive and compare bids for the several classes of work to be done, or parcels thereof, and shall then let the same in classes or parcels, as may best subserve the interests of the State, to the lowest responsible bidder or bidders therefor; *provided*, however, that said Commissioners shall have the right to reject any and all bids; and *provided*, also, that if all bids are rejected, it shall be competent for the Commissioners to make a contract or personal negotiation, if such contract can be made on better terms than the lowest, than those contained responsible bid, and strike off section four, and in lieu thereof insert the following:

SEC. 4. Each party or firm who shall contract with said board under the provisions of this act shall before such contract shall be valid, execute and file in the office of the Secretary of State a bond payable to the State of Indiana, in the sum of not less than fifteen thousand dollars with surety thereon, to be approved by said board and conditioned that such contractor or contractors shall faithfully perform the work and do things required of him or them by such contract; and that section 5 be amended by inserting in line nine, after the word "shall," the word "take," and that section 5 be further amended by striking out the word "to," in line ten, and that section be further amended by inserting in line ten the word "oath," the words, before some officer authorized by law to administer oaths, and that section 5 be further amended by inserting after the figures \$1,500 the words with surety thereon, to be approved by said board and conditioned that he will faithfully and honestly perform the duties required of him by this act; and said expert shall have no pecuniary interest in any contract made un-

der the provisions of this act except that of his own employment by said board ; and amend said bill further by the inserting therein between sections three and four as they are now numbered the following additional sections :

The printing of the State shall be divided into three classes, and each class thereof shall be let in separate contract. The first class shall include the printing of the journal of each House and the laws enacted by the General Assembly, printing of the reports of the Auditor, Secretary and Treasurer of State, reports of the Deaf and Dumb, Insane and Blind Asylum, report of Superintendent of Public Instruction, the Indiana University and Northern and Southern prisons, Agricultural and Geological reports, reports of the Canal Trustees and all other book or pamphlet specially ordered by the General Assembly or either branch thereof shall constitute the first class. The printing of all blanks, circulars and other works necessary for the Executive Administration, Legislative and Judicial departments, other than shall be printed in pamphlet form, shall constitute the the second part. The folding, stitching, covering or binding of all pamphlets, laws, House and Senate Journals and Documentary Journals shall constitute the third class.

SEC. —. The bids for each class shall be in the following form.

CLASS I.

Composition, plain matter, — cts. per 1000 ems.

Composition, figure work, — cts. per 1000 ems.

Composition, rule and figure work, — cts. per 1000 ems.

Signature, per 1000 for press work — cents per token of 240 impressions on sixteen page form.

All lithographing, such as maps, charts, views of public edifices, ground plans, etc.

CLASS II.

Letter heads — per ream.

Circulars, — per ream.

Commissions — per quire.

Envelopes — per 1000.

CLASS III.

Folding — cts. per 100 sheets.

Stitching — cts. per 100 books or pamphlets.

Covering — cts. per 100 books or pamphlets.

SEC. —; All pamphlet work shall be done in uniform style plain matter, to be set in small pica type, pages to be 25 ems pica wide, and each page to contain 1,500 ems. Figure work to be set in brevier or nonpareil, as the case may require, and each page not to measure more than 2,600 ems plain matter; rule and figure work to be set in nonpareil, and each page not to measure more than 4,500 ems plain matter, the House and Senate journals to be set in small pica solid, and no unnecessary blanks or break lines to be allowed.

SEC. —. One person may bid on one or more class of the work, but each class must be a separate and distinct bid, and accompanied with a separate bond.

And the committee further recommend that when the same is so amended the bill do pass.

Which was concurred in.

Engrossed House bill No. 526—a bill for an act to provide for the public printing and binding.

Which was read a second time.

Mr. Dwiggins submitted the following report:

MR. PRESIDENT:

The Committee on Corporations to whom was referred Engrossed House bill No. 453—a bill to legalize the incorporation of the town of Kentland, Newton county, Indiana, and the official acts of the several boards of trustees of said town and all other officers of said corporation under an act for the incorporation of towns, etc., have had the same under consideration and have directed me to report the same back with the recommendation that it do pass.

Which was concurred in.

Mr. Hubbard submitted the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred House

bill No. 495—a bill to amend section one of an act to amend sections nine, ten, eighteen, nineteen, twenty-three, twenty-four and thirty-three, of an act to incorporate the town of Vernon, have had the same under consideration, and recommend its passage.

Which was concurred in.

Mr. Hubbard submitted the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred House bill No. 224, entitled "A bill to amend the first section of an act to incorporate the female seminary of St. Mary's of the Woods, in Vigo county, etc., have had the same under consideration, and a majority of said committee recommend its passage.

Which was concurred in.

Mr. Hubbard submitted the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred House bill No. 534—a bill to legalize the assessment, etc., of taxes in the town of Summerset, in Wabash county, have had the same under consideration, and recommend its passage.

Which was concurred in.

Mr. Hubbard submitted the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred House bill No. 473—a bill for the incorporation of bridge companies, etc., have had the same under consideration, and recommend that it pass.

Which was concurred in.

Mr. Hubbard submitted the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred House

bill No. 68—a bill to amend section twenty-two of an act for the incorporation of towns, etc., have had the same under consideration, and recommend its passage

Which was concurred in.

Mr. Hubbard submitted the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred House bill No. 195—a bill to amend section one of an act to incorporate the University of Notre Dame du Lac, have had the same under consideration, and a majority of said committee recommend its passage.

Which was concurred in.

Mr. Hubbard submitted the following report:

MR. PRESIDENT:

The Committee on Corporations to whom was referred House bill No. 456—a bill to amend the charter of the town of Clinton, have had the same under consideration, and recommend its passage.

Which was concurred in.

Mr. Stroud submitted the following report:

MR. PRESIDENT:

The special committee, to whom was referred House bill No. 444—a bill in relation to the sale and conveyance of the property heretofore owned and accepted as a county jail, county seat and court house of Perry county, State of Indiana, situate in the town of Rome, in said county and State, have had the same under consideration, and direct me to report the same back to the Senate and recommend its passage.

Which was concurred in.

Mr. Slater submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 126—an act to amend section one of an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto, approved March 5, 1859, have had the same under consideration, and recommend the following amendments, and after being so amended, recommend that the bill do pass:

In line six, page two, after the word “and,” insert the following: “After organizing an election board of one inspector and one clerk.” Also insert after the word “thereafter,” in line eight, the following words: “And such election board shall within ten days make return of such election, duly authenticated, to the township trustee, and such trustee shall notify the person receiving the highest number of votes, that he has been duly elected supervisor of his district.”

Which was concurred in.

Message from the House, by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed, with accompanying engrossed amendments of the House thereto, the following Senate bill, to-wit:

Senate bill No. 88—a bill to authorize the construction of levees, dykes, drains and ditches, &c.

I am also directed by the House of Representatives to inform the Senate that the House has passed the following Senate bills, to-wit:

Senate bill No. 156—a bill to authorize cities constructing water works to issue bonds and dispose of the same in aid of the construction of such water works.

Senate bill No. 264—a bill to amend the 4th, 5th, 26th, 35th, 43d and 58th sections of an act entitled “An act granting the citi-

zens of the town of Evansville, in the county of Vanderburgh, a city charter," approved January 27, 1847; and the same are herewith returned to the Senate.

I am also directed by the House of Representatives to inform the Senate that the House has passed the following joint resolution, to-wit:

Joint resolution No. 12—a joint resolution conferring the purchase of additional grounds whereon to erect a new State House.

And the same is herewith returned to the Senate.

I am also directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following Enrolled Acts, to-wit:

Enrolled Act No. 493, House of Representatives—an act to amend section eight of an act entitled "An act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859.

Enrolled Act No. 360, House of Representatives—an act to appropriate one hundred and fifty dollars for the distribution of the Report of the Superintendent of Public Instruction.

Enrolled Act No. 382, House of Representatives—an act relative to the salary of Superintendent of Public Instruction, and providing the manner of paying the same.

And the same is herewith submitted to the Senate for the signature of the President thereof.

I am also directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following Senate act, to-wit:

Enrolled Act No. 160, Senate—an act to amend an act to incorporate the Lawrenceburg Insurance Company, approved February 3, 1832, and the same is herewith returned to the Senate.

I am also directed to inform the Senate that the House has passed the following resolution, to-wit:

Whereas, the House at an early day of the session passed an act on the subject of divorces, being House bill No. 333, which was sent to the Senate sometime before that body considered the subject ; therefore,

Resolved, That the Senate be respectfully requested to take up said bill and take action thereon at an early day as practicable.

Mr. Taylor submitted the following report :

MR. PRESIDENT :

The committee to whom was referred House bill No. 354—a bill to consolidate certain mortgages, loans, forfeitures, bills receivable and other debts and accounts due the school fund, into one non-negotiable bond and making other provisions in relation thereto, ask leave to report that they have had the same under consideration and direct me to report the same to the Senate with the recommendation that it pass.

Which was concurred in.

Mr. Bunyan submitted the following report :

MR. PRESIDENT :

The Committee on County and Township Business to whom was referred engrossed House bill No. 430—a bill to amend sections five and six of an act entitled “ An act to authorize the Boards doing county business, to declare water-courses navigable,” approved May 31, 1852, have had the same under consideration and direct me to report the same back with the recommendation that it do pass.

Which was concurred in.

Mr. Bunyan submitted the following report :

MR. PRESIDENT :

The Committee on County and Township Business to whom was referred engrossed House bill 355—a bill to authorize the Auditor of Scott county to correct the report made to the Superintendent of Public Instruction relating to the school fund, common and congressional, as required by an act entitled “ An act requir-

ing County Auditors to make examination of the record of their office in relation to school funds and make report and providing compensation therefor." approved Dec. 21, 1865, and declaring an emergency, have had the same under consideration and report the same back and recommend its passage.

Which was concurred in.

Mr. Chapman submitted the following report:

MR. PRESIDENT:

The Committee on Military Affairs, to whom was referred Senate bill No. 260, entitled "A bill fixing the annual salary of the Adjutant General of the State of Indiana," have had the same under consideration, and have instructed me to report the same back with the recommendation that the same be laid on the table.

Which was concurred in.

Mr. Fuller submitted the following report:

MR. PRESIDENT:

The Committee on County and Township Business, to whom was referred House bill No. 356—a bill for an act concerning cemeteries, have had the same under consideration, and direct me to report the same back to the Senate and recommend its passage.

Which was concurred in.

Mr. Daggy submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred engrossed House bill No. 339—a bill defining certain felonies and prescribing punishment therefor, have had the same under consideration, and directed me to return the same recommending its passage, with the amendment, in line four of section one, by striking out "on," and inserting in lieu thereof the word "or."

Which was concurred in.

Mr. Daggy submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 339—a bill to amend section six of an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto, have had the same under consideration and directed me to return the same, with the recommendation that it be laid on the table.

Which was concurred in.

Mr. Daggy submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred House bill No. 271—a bill for an act to amend section 652 of the act entitled "An act to revise, simplify and abridge the rules, practice, pleading, and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, have had the same under consideration, and directed me to return the same, recommending that it lie on the table.

Which was concurred in.

Mr. Miller submitted the following report:

MR. PRESIDENT:

The Committee on Agriculture have had House bill No. 303—a bill to amend sections two and six of an act providing for a geological survey, and for the collection and preservation of a geological and mineralogical cabinet of the natural history of this State, and creating the office of State Geologist, defining his duties, fixing his salary, and appropriating a sufficient amount of money to defray the necessary expenses of said survey, and the collection and preservation of said cabinet, under consideration, and direct me to report the same back with the recommendation that it do pass.

Which was concurred in.

Mr. Fuller submitted the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred House bill No. 376—a bill concerning cemeteries, have had the same under consideration, and direct me to report the same back to the Senate, and recommend its passage.

Which was concurred in.

Mr. Gregg submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 341, entitled "A bill to amend an act entitled an act authorizing street or horse-car railway companies to use State, county or township, or other public highways for their railroad track, under certain conditions and regulations," approved March 6, 1865; have had the same under consideration, and have directed me to report the same back to the Senate with the recommendation that it lie on the table.

Which was concurred in.

Mr. Gregg submitted the following report :

MR. PRESIDENT :

The Judiciary Committee to whom was referred House bill No. 408 entitled a bill to amend section 311 of the practice act have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it lie on the table.

Which was concurred in.

Mr. Gregg submitted the following report :

MR. PRESIDENT :

The Judiciary Committee to whom was referred House bill No. 186, being a bill to amend an act entitled an act declaring the having of carnal knowledge of an insane woman in certain cases to be a felony and making accessories principals therein, and provid-

ing punishment therefor, have had the same under consideration and have directed me to report the same back to the Senate with the recommendation that it do lie on the table for the reason that the laws now in force prescribe a penalty for the crime defined in said bill.

Which was concurred in.

Mr Gooding submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary to whom was referred House bill No. 465, entitled "An act fixing the time of holding courts in the tenth judicial circuit, continuing in force certain provisions of law in reference thereto and prescribing length of terms in the several counties thereof, have had the same under consideration and direct me to return the same back with the recommendation that it lie on the table.

Which was concurred in.

Mr. Boone submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary to whom was referred Engrossed House bill No. 384—a bill to repeal section 244 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, etc., approved June 18, 1852, have had the same under consideration, and have directed me to report the same back with the recommendation that it lie upon the table.

Which was concurred in.

Mr. Boone submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary to whom was referred Engrossed House bill No. 380—a bill legalizing summons, executions and other process of law issued by justices of the peace in incorporated towns and cities, to marshals of said cities as also all

acts done or performed etc., have had the same under consideration and have instructed me to report the same back with the following amendment, add to the second section the following proviso:

Provided, This act shall not operate in actions now pending wherein the validity of such writs or service is involved, but such actions shall proceed, and the questions involved be decided the same as if this act had not been passed, and when so amended, recommend that the bill do pass.

Which was concurred in.

Mr. Boone submitted the following report:

MR. PRESIDENT:

The committee to whom was referred House bill No. 270—a bill to provide for the service of summons in suits commenced before justices of the peace where defendants reside in adjoining counties, etc., have had the same under consideration, and have directed me to report the same back with a recommendation that it lay on the table.

Which was concurred in.

Mr. Gooding submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Engrossed House bill No. 424—an act to amend the 120th section of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings, and forms in criminal actions in the courts of this State, have had the same under consideration, and have instructed me to report the same back with the recommendation that it do pass.

Which was concurred in.

Mr. Sleeth submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Engrossed House bill No. 319—a bill defining the crime of embezzle-

ment by certain officers, and prescribing the punishment therefor, have had the same under consideration, and have instructed me to return the same to the Senate with the recommendation that it do pass.

Which was concurred in.

Mr. Sleeth submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Engrossed bill No. 390—a bill to amend the 447th section of an act to revise, simplify and abridge the rules of pleading and practice in cases, etc., have had the same under advisement, and respectfully report the same back to the Senate with the recommendation that it do pass.

Which was concurred in.

Mr. Sleeth submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred engrossed House bill No. 395, a bill relating to service of summons and publications of notice in civil actions, respectfully report the same back to the Senate with a recommendation that it pass.

Which was concurred in.

Mr. Armstrong submitted the following report :

MR. PRESIDENT :

The Committee on Education have had Senate bill No. 315—a bill providing for the issue and sale of bonds to raise money by civil townships of this State for the purpose of paying any debts incurred in purchasing or erecting school buildings or in the purchase of any ground whereon to erect any school building or for the purpose of hereafter purchasing any ground for school purposes or for erecting any school building and authorizing the levy and collection of an additional special school tax for the payment of principal and interest of such bond, and a majority of said com-

mittee have directed me to report the same back with the recommendation that it lie on the table.

Which was concurred in.

Mr. Carnahan submitted the following report:

MR. PRESIDENT:

The Committee on corporations to whom was referred House bill No. 288, entitled "A bill supplemental to an act authorizing the construction of plank, macadamized and gravel roads," approved May 12, 1852, have had the matter under advisement and the committee recommend that the bill pass.

Which was concurred in.

Mr. Carnahan submitted the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred House bill No. 489—entitled a bill to amend section five of an act entitled "An act to incorporate the town of Huntington," approved February 16, 1848, have had the matter under advisement, and the committee recommend that the bill pass.

Which was concurred in.

Mr. Carnahan submitted the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred House bill No. 362—entitled "A bill to amend section three of an act entitled an act to provide compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad company in this State," approved March 1, 1855, have had the same under consideration, and the committee recommend that the bill pass.

Which was concurred in.

Mr. Miller submitted the following report:

MR. PRESIDENT :

The Committee on Roads, to whom was referred House bill No. 266, entitled a bill to amend "An act entitled an act for the opening, vacating and changing of highways," approved June 17, 18⁵², have had the same under consideration, and report it back to the Senate with the recommendation that it do pass.

Which was concurred in.

Mr. Collett submitted the following report :

MR. PRESIDENT :

The Committee on Agriculture, to whom was referred House bill No. 191, entitled "A bill defining misdemeanors, prescribing the punishment therefor, and repealing all laws in conflict therewith, have had the same under consideration, and direct me to report the same back with the recommendation that it pass.

Which was concurred in.

Mr. Carnahan submitted the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred House bill No. 201, entitled "A bill exempting property of cities and incorporated towns from sale in certain cases on execution or order of any court, and declaring an emergency," have had the same under consideration, and the committee recommend that the bill pass.

Which was concurred in.

Mr. Williams submitted the following report :

MR. PRESIDENT :

The Joint Committee on Claims, to whom was referred claim of Osborne and Calkins for professional services, \$500.00, have had the same under consideration, and direct me to report the same back with the recommendation that they be allowed \$400.00.

Which was concurred in, and referred to Committee on Finance.

Mr. Williams submitted the following report :

MR. PRESIDENT :

The Joint Committee on Claims, to whom was referred the claim of Julius Boetticher, for Volksblats furnished members, \$60.00, have had the same under consideration, and direct me to report same back, with the recommendation that same be allowed.

Which was concurred in, and referred to the Committee on Finance.

Mr. Williams submitted the following report :

MR. PRESIDENT :

The Joint Committee on Claims, to whom was referred the claim of Gen. W. H. H. Terrell, for services rendered the State, have had the same under consideration, and direct me to report the same back, with the recommendation that he be allowed \$250, refer the same to the Committee on Finance, to incorporate the same in the specific appropriation.

Which was concurred in, and referred to the Committee on Finance.

Mr. Williams submitted the following report :

MR. PRESIDENT :

The Joint Committee on Claims, to whom was referred the claim of O. M. Wilson, for services in preparing the Calendar of Senate Bills, \$150, have had the same under consideration, and have directed me to report the same back, with the recommendation that he be allowed \$150.00 in full.

Mr. Friedley, of Lawrence, moved to amend the report by the allowance of \$100.

Mr. Slater moved to lay the claim and amendment on the table.

Mr. Williams demanded a division of the question.

The question first being on the motion to lay the amendment on the table,

It was agreed to.

The question being on the motion to lay the claim and report on the table,

It was not agreed to.

The question being on concurring in the report of the committee,

Messrs. Neff and Slater demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Collett, Daggy, Daugherty, Dwiggin, Francisco, Friedley (of Lawrence), Gooding, Gregg, Harney, Haworth, Hough, Howard, Miller, Rhodes, Sarnighausen, Scott, Smith, Steele, Stroud, Taylor, Thompson, Williams and Winterbotham—30.

Those who voted in the negative were, Messrs. Bunyan, Carpan, Chapman, Dittemore, Fuller, Friedley (of Scott), Glessner, Neff, Orr, Ringo, Slater and Sleeth—12.

So the report of the committee was concurred in.

Mr. Williams submitted the following report :

MR. PRESIDENT :

The Joint Committee on Claims to whom was referred claims of sundry persons in the Burson and Kline case, have had the same under consideration and direct me to report the same back with the following recommendation: That Cornelius Daugherty be allowed \$30.00; Weams Meagg, \$7.40; G. W. McGraw, \$9.60; A. K. Rockenfind, \$5.80; H. D. Thompson, \$14.10; Jas. Daugherty, \$11.10; B. F. Beeson, \$9.10; M. S. Robinson, \$5.10; Wm. Beeson, \$9.10; refer the same to the Committee on Finance to be incorporated in the specific appropriation bill.

Which was concurred in.

Mr. Sleeth submitted the following report :

MR. PRESIDENT :

The Committee on Claims to whom was referred a claim in favor of O. M. Wilson for preparing calender of Senate bills and

Joint resolutions pending in the Senate at the adjournment March 8, 1869, for \$150.00 have had the same under consideration and direct me to report with a recommendation that the claim be not allowed.

Mr. Williams moved to lay the report on the table.

Which was agreed to.

Mr. Beeson submitted the following report :

MR. PRESIDENT :

The Committee on Claims, to whom was referred sundry claims, report that they have had the following claims under consideration, and recommend that the following, with their amounts, be allowed: Simon Knight, for \$24.80; Caleb Johnson, for \$9.50; Joseph Kirkwood, for \$14.20; Richard Lake, for \$5.10; and the same be referred to the Committee on Finance for incorporation in specific appropriation bill.

Which was concurred in.

Mr. Orr submitted the following report :

MR. PRESIDENT :

The Committee on Agriculture, to whom was referred House bill No. 447—a bill to amend section one of an act entitled “An act in relation to the change of public highways,” approved March 11, 1867—have had the same under consideration, and directed me to report the same back to the Senate, and recommend that it lie on the table.

Which was concurred in.

Mr. Sleeth submitted the following report:

MR. PRESIDENT :

The committee on the Judiciary, to whom was referred Senate bill No. 219, entitled “A bill to amend section forty-seven of an act defining felonies, and prescribing punishment therefor,” approved June 10, 1852, respectfully report that they have had the same under consideration, and a majority of the committee have

instructed me to return the same to the Senate, recommending that it lie on the table.

Which was concurred in.

Mr. Gooding submitted the following report :

MR. PRESIDENT :

The Committee on Federal Relations, to whom was referred House bill No. 275, entitled "A bill to provide for the acquisition and enjoyment by the United States of lands within this State for public purposes, have had the same under consideration, and direct me to report the same back, with the recommendation that it do pass.

Which was concurred in.

Mr. Gooding submitted the following report :

MR. PRESIDENT :

The Committee on Federal Relations, to whom was referred House bill No. 416, entitled "A bill granting the consent of Indiana to the purchase by the United States of certain lands for the purpose of the erection of a public building at Evansville, and ceding jurisdiction over the same," have had the same under consideration, and direct me to report the same back, with the recommendation that it lie on the table.

Which was concurred in.

Mr. Howard submitted the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred House bill No. 353, entitled "A bill to prohibit township trustees from levying a road tax upon real and personal property in incorporated towns or cities," have had the same under consideration, and return it back to the Senate, with the recommendation that it lie on the table.

Which was concurred in.

Mr. Daggy submitted the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred Senate bill No. 93, limiting the number of grand and petit jurors, have had the same under consideration, and directed me to return the same, recommending its indefinite postponement.

Which was concurred in.

Mr. Daggy submitted the following report:

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred Senate bill No. 194, in relation to meeting of county boards, have had the same under consideration, and directed me to return the same, recommending its passage.

Which was concurred in.

Mr. Howard submitted the following report:

MR. PRESIDENT :

The Committee on Rights and Privileges, to whom was referred Senate bill No. 26, entitled a bill amending section eighteen of an act entitled "An act regulating descents and the apportionment of estates," approved May 14, 1852, have had the same under consideration, and direct that the same be reported back to the Senate with the recommendation that it lie on the table.

Which was concurred in.

Mr. Hough submitted the following report:

MR. PRESIDENT :

The Committee on the Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill No. 330, entitled a bill to amend an act entitled "An act to prevent emigration from any other State into this State, or from one county or township in this State, for the purpose of influencing or carrying the election in such other county or township," etc., have had the same

under consideration, and have directed me to report the same back to the Senate, with the recommendation that it lie upon the table, for the reason that the provisions thereof are substantially contained in engrossed Senate bill No. 120.

Which was concurred in.

Mr. Howard submitted the following report:

MR. PRESIDENT :

The Committee on Rights and Privileges, to whom was referred engrossed House bill No. 377, entitled "A bill declaratory of the law of this State, as to the eligibility of women to certain offices therein mentioned, have had the same under consideration, and report it back to the Senate, recommending its passage.

Which was concurred in.

Mr. Glessner submitted the following report:

MR. PRESIDENT :

The Committee on the Rights and Privileges of the Inhabitants of the State to whom was referred Senate bill No. 171, entitled "An act to protect elections of voluntary political associations," have had the same under consideration and have directed me to report the bill back with a recommendation that it be indefinitely postponed and respectfully ask the concurrence of the Senate.

Which was concurred in.

Mr. Chapman submitted the following report:

MR. PRESIDENT :

The Committee on Elections to whom was referred House bill No. 236—a bill providing for taking the sense of the qualified voters of this State on the calling of a convention to alter, amend, or revise the constitution of their State, have had the same under consideration and have instructed me to report the same back with the recommendation that the bill do pass.

Which was concurred in.

SPECIAL ORDER.

The hour of 10 o'clock a. m. having arrived, being the hour fixed for the consideration of Engrossed House bill No. 8, the same was taken up.

Mr. Daggy moved that the bill be read a third time, and on that motion demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put.

It was so ordered.

Engrossed House bill No. 8—a bill to prevent hunting and shooting on enclosed lands without the consent of the owner or occupant thereof and providing a penalty therefor.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Bird, Boone, Bowman, Brown, Chapman, Collett, Daggy, Dittemore, Friedley (of Scott,) Glessner, Haworth, Hough, Hubbard, Neff, Orr, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Stroud, Taylor, Wadge and Williams—26.

Those who voted in the negative were, Messrs. Armstrong, Bunnan, Carnahan, Cave, Daughery, Dwiggins, Fuller, Francisco, Friedley (of Lawrence,) Gooding, Hall, Harney, Howard, Miller Oliver, Slater, Smith, Steele, Thompson and Winterbotham—20.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Hough moved to suspend the order of business and take up Senate bill No. 34.

Mr. Bunyan moved to amend by taking up Engrossed House bills on a third reading.

Mr. Dwiggins moved to amend the amendment by taking up Senate bill No. 9.

Mr. Orr moved to lay the amendment on the table.

Which was agreed to.

Mr. Orr. moved to lay the amendment by Mr. Bunyan on the table.

Which was agreed to.

The question being on the motion by Mr. Hough.

Mr. Dwiggins moved to lay the motion on the table.

Which was not agreed to.

The question recurring on the motion by Mr. Hough.

Which was agreed to.

Senate bill No. 34—a bill to amend section 90 and section 103 of an act entitled "An act to revise, simplify and abridge the rules, practice and pleading, and forms in criminal actions in courts of this State," approved June 17, 1852; and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Bowman, Chapman, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver Rhodes, Ringo, Scott, Slater, Stroud and Winterbotham—26.

Those who voted in the negative were, Messrs. Boone, Brown, Bunyan, Carnahan, Cave, Collett, Daggy, Daugherty, Dittemore, Dwiggins, Fuller, Gooding, Orr, Sarnighausen, Sleeth, Smith, Steele, Thompson and Williams—19.

So the bill passed.

S. J.—54

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Friedley (of Lawrence,) moved to suspend the order of business and take up Engrossed House bill No. 138.

Which was agreed to.

Engrossed House bill No. 138—a bill to amend the third section of the act entitled “An act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and to complete unfinished school buildings and pay debts contracted for the erection of such buildings, and authorizing the levy and collection of an additional special school tax, for the payment of principal and interest of such bonds,” approved March 11, 1867.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were: Messrs. Armstrong, Beardsley, Beeson, Brown, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence,) Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson and Wadge—37.

Those who voted in the negative were, Messrs. Bird, Boone, Bowman, Carnahan, Cave, Orr, Williams and Winterbotham—8.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Mr. Hubbard offered the following amendment:

Strike out the title and insert the following: A bill for an act to authorize cities and towns to negotiate and sell bonds to procure

means with which to erect and complete unfinished school buildings, and to purchase any ground and building for school purposes, and to pay debts contracted for such erection and completion, and purchase of buildings and grounds, and authorizing the levy and collection of an additional special school tax for the payment of such bonds.

Which was adopted.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Collett moved to take up Senate bill No. 273.

Which was agreed to.

Mr. Brown moved to recommit the bill to a select committee of three with instructions to amend the bill as follows:

Amend the first section by striking out the words, "have either" in line two section two, and insert the word "has." Also, strike out the words "or has expended in actual construction of its road a sum equal to or exceeding the amount of such tax," in lines four, five, six and seven, in section two, and report the same back at two o'clock p. m., this day, and make the bill a special order for that time.

Which was agreed to.

The President announced as such committee, Messrs. Brown, Daugherty and Carnahan.

Mr. Chapman moved to take up Senate bill No. 88.

Which was agreed to.

The question being in concurring in the amendments of the House,

On motion, by Mr. Fuller, the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled, 2 o'clock.

Message from the House by Mr. Nixon, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, to-wit:

Resolved, That the Senate be requested to return to the House Senate Joint Resolution No. 12, entitled "A Joint Resolution confirming the purchase of additional grounds whereon to erect a new State House."

The President announced that he had signed enrolled Senate act No. 160; and enrolled acts of the House Nos. 260, 382, and 493.

Mr. Orr was granted leave to have his vote recorded in the affirmative on passage of engrossed House bills Nos. 55 and 87.

SPECIAL ORDER.

The hour of two o'clock p. m. having arrived, being the hour fixed for the consideration of Senate bill No. 318, the same was taken up.

Senate bill No. 318—a bill to make further provision for the care and treatment of the insane.

Which was read a second time.

Mr. Chapman moved to fill the blank in section twelve with \$150,000.

Which was agreed to.

Mr. Chapman moved to fill the blank in section two by inserting first day of May.

Which was agreed to.

Mr. Beardsley moved to consider the bill engrossed.

Which was agreed to.

Mr. Beardsley moved that the constitutional rule, requiring bills to be read on three several days, and read the bill a third time now and put it upon its passage.

The ayes and noes being taken under the rule.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Bird, Boone, Bowman, Brown, Carnahan, Cave, Chapman, Collett, Daggy, Dittemore, Dwiggins, Fuller, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gregg, Harney, Haworth, Hough, Howard, Hubbard, Miller, Oliver, Orr, Rhodes, Ringo, Sarnighausen Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson and Williams—39.

Those who voted in the negative were, Messrs. Gooding and Winterbotham—2.

So the constitutional rule was suspended.

Engrossed Senate bill No. 318—a bill to make further provision for the care and treatment of the insane.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Dittemore, Dwiggins, Fuller, Francisco, Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Orr, Ringo, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson Williams and Winterbotham—41.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED, That the Secretary inform the House of the passage of the bill.

Mr. Gregg moved to take up Senate Joint Resolution No. 16—a joint resolution in relation to railroad companies and corporations, and defining the duties and giving directions to the Attorney General as to suits and proceedings now pending, and which may hereafter be brought.

Which was agreed to.

The question being on the motion pending to refer the resolution to the Committee on the Judiciary,

Mr. Fuller moved to lay the motion on the table.

Which was agreed to.

Mr. Steele offered the following amendment to the joint resolution: "Strike out after the names Governor and Lieutenant Governor, these names, Superintendent of Public Instruction, Secretary, Auditor and Treasurer of State."

Which was adopted.

Mr. Smith offered the following amendment: "Strike out that part which authorizes the compromise of any debt."

Mr. Williams moved to lay the amendment on the table.

Which was adopted.

Mr. Fuller demanded the previous question, which was seconded by the Senate.

The question being shall the main question be now put?

It was so ordered.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Beggs, Bird, Boone, Bowman, Bunyan, Carnahan, Cave, Daggy, Daugherty, Dittemore, Fuller, Friedley (of Scott,) Glessner, Gooding, Gregg, Harney, Haworth, Hough, Miller, Neff, Orr, Rhodes, Ringo, Sarnighausen, Slater Smith, Steele, Stroud, Taylor, Thompson, Williams and Winterbotham—34.

Those who voted in the negative were, Messrs. Brown, Chapman, Dwiggins, Francisco, Friedley (of Lawrence,) Hall and Scott—7.

So the joint resolution passed.

The question being, shall the title as read stand as the title of the joint resolution?

It was so ordered.

ORDERED, That the Secretary inform the House of the passage of the joint resolution.

Mr. Harney moved to take up Senate bill No. 300.

Which was agreed to.

Mr. Harney, moved to consider the bill engrossed and to suspend the constitutional rule requiring bills to be read on three several days and read the bill a second time by title, a third time by sections now, and put it upon its passage.

The ayes and noes being taken under the rule.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Scott,) Gooding, Gregg, Hall, Harney, Haworth, Hough, Hubbard, Miller, Neff, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson, Wade, Williams and Winterbotham—43.

No Senator voting in the negative.

So the constitutional rule was suspended and Senate bill No. 300—a bill for an act authorizing the board of county commissioners of any county to make an allowance of money for the benefit of organized draining companies, their officers or sureties, and prescribing under what circumstances such allowance may be made, and declaring an emergency.

Which was read a second and third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong,

Beardsley, Beeson, Beggs, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—45.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Mr. Harney offered the following amendment: Strike out all the title and insert, "An act for the relief of the Lye Creek Draining Association."

The question then being shall the title as amended stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill?

Mr. Hall submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills have examined and compared the following bills:

Enrolled House bill No. 493—a bill to amend section eight of an act entitled "An act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859.

Enrolled House bill No. 360—a bill to appropriate one hundred and fifty dollars for the distribution of the Report of the Superintendent of Public Instruction.

Enrolled House bill No. 382—a bill relative to the salary of the Superintendent of Public Instruction, and providing the manner of paying the same.

Senate bill No. 160—a bill to amend an act to incorporate the Lawrenceburg Insurance Company, and find the same correctly enrolled.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following House bill, to-wit:

Engrossed House bill No. 61—a bill to repeal an act entitled "An act to create the twenty-seventh judicial circuit, providing for the appointment and election of a judge and prosecuting attorney therein, and for their compensation, declaring the jurisdiction of the courts in said circuit, and providing for a transfer of action," etc.; and the same is herewith submitted to the Senate for its action thereon.

I am also directed to inform the Senate that the House passed the following Senate bill, with the accompanying engrossed amendments of the House thereto attached:

Senate bill No. 115—a bill to prevent extortionate charges for, and unjust discrimination in the transportation of freight by railroad companies and other common carriers, and to provide a remedy when such extortions or discriminations are practiced, and for the assignment of claims.

And the Senate is respectfully requested to concur in said amendments.

Mr. Bird moved to take up Senate Joint Resolution No. 11—a joint resolution instructing our Senators and requesting our Representatives in Congress to use all proper means to secure the establishment of a District Court for Northern Indiana, at the city of Fort Wayne. Also, a distributing postoffice at said city, and obtain an appropriation for the erection of a suitable building for the purpose contemplated by said resolution.

Which was agreed to.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Bird, Boone, Brown, Carnahan, Cave, Chapman, Collett, Daugherty, Dittemore, Fuller, Francisco, Gooding, Howard, Hubbard, Miller, Rhodes, Rosebrugh, Sarnighausen, Scott, Slater, Smith, Stroud, Taylor, Wadge, Williams and Winterbotham—30.

Those who voted in the negative were, Messrs. Daggy, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Harney, Haworth, Hough, Neff, Orr, Ringo, Sleeth, Steele and Thompson—13.

So the joint resolution passed.

The question being shall the title as read stand as the title of the joint resolution?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the joint resolution.

Mr. Gooding moved to take up Senate bill No. 250.

Which was agreed to.

Engrossed Senate bill No. 250—a bill to further prescribe the duties of Secretary of State, and to provide for the necessary arrangements, clerks, and expenses of his office.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Brown, Bunyan, Chapman, Collett, Dwiggin, Glessner, Gooding, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Oliver, Rhodes, Sarnighausen, Scott, Sleeth, Steele, Taylor, Thompson and Wadge—26.

Those who voted in the negative were, Messrs. Beggs, Bird, Boone, Carnahan, Cave, Daggy, Daugherty, Dittemore, Fuller,

Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Gregg, Neff, Orr, Ringo, Rosebrugh, Slater, Smith, Stroud, Williams and Winterbotham—22.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled bills report that they have this day presented to the Governor, Senate bill 160, for his approval—an act to amend an act to incorporate the Lawrenceburg Insurance company, approved February 3, 1832, also,

House enrolled act No. 360—an act to appropriate \$150 for the distribution of the report of the Superintendent of Public Instruction; also,

House enrolled act No. 49—an act to amend section eight of an act entitled “An act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act,” approved February 18, 1859; also,

House enrolled act No. 382—an act relative to the salary of Superintendent of Public Instruction, and providing the manner of paying the same.

SPECIAL ORDER.

The hour of two o'clock having arrived, being the hour fixed for the consideration of Senate bill No. 273—a bill in relation to the construction of railroads, and legalizing certain acts in connection therewith, and declaratory of the true intent and meaning of the act, approved January 30, 1873, in this act mentioned, it was taken up.

Mr. Brown submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 273, with instructions to amend the second section of said bill, by striking out the words "have either," in line two of said section one, and insert in lieu thereof the word "had." Also, to amend said section by striking out the words "or has expended in actual construction of its road a sum equal to or exceeding the amount of such tax," so that the bill would apply only to railroads completed, have had said bill under consideration, and have made said amendments, and herewith return said bill, and recommend its passage.

Which was concurred in.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Brown, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggins, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gregg, Hall, Harney, Miller, Oliver, Ringo, Rosebrugh, Scott, Slater, Taylor, Thompson, Wadge, Williams and Winterbotham—28.

Those who voted in the negative were, Messrs. Beggs, Boone, Bowman, Banyan, Carnahan, Cave Fuller, Francisco, Hough, Howard, Hubbard, Neff, Orr, Rhodes, Sarnighausen, Sleeth, Smith, Steele and Stroud.—19.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on enrolled bills have had under consider-

ation enrolled Senate bill No. 238—a bill to divide the State into circuits for judicial purposes, fixing the time of holding courts therein, abolishing the Courts of Common Pleas and transferring the business thereof to the Circuit Court, and providing for the election of Judges and Prosecuting Attorneys in certain cases.

Mr. Chapman moved to take up engrossed Senate bill No. 88—an act to authorize and encourage the construction of levees, dykes, drains and ditches, and the reclamation of wet and overflowed lands by incorporated associations and providing for the incorporation of such associations and prescribing their powers and providing for the assessment of the cost of such improvements and expenses attending the same upon the lands benefitted thereby, and for the collection of such assessments.

Which was agreed to.

Mr. Chapman moved to concur in the Engrossed Amendments of the House.

Mr. Dwiggin demanded a division of the question.

The question being on concurring in the first amendment.

It was concurred in.

The question then being on concurring in the second amendment.

Messrs. Dwiggin and Orr demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Boone, Bowman, Bunyan, Carnahan, Cave, Chapman, Glesner, Hough, Miller, Orr, Steele and Stroud—16.

Those who voted in the negative were, Messrs. Bird, Collett, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Gooding, Gregg, Hall, Harney, Haworth, Howard, Hubbard, Oliver, Rhodes, Bingo, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Thompson, Wadge, Williams and Winterbotham—29.

So the second amendment was not concurred in.

Mr. Chapman moved to reconsider the vote by which the first amendment was concurred in.

Messrs. Chapman and Wadge demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bowman, Bunyan, Chapman, Dittmore, Fuller, Friedley (of Scott,) Glessner, Hubbard, Miller, Rhodes, Sleeth, Steele and Stroud—17.

Those who voted in the negative were, Messrs. Beggs, Brown, Carnahan, Cave, Collett, Daggy, Daugherty, Dwiggin, Francisco, Friedley (of Lawrence,) Gooding, Gregg, Hall, Haworth, Hough, Howard, Oliver, Orr, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Smith, Thompson, Wadge, Williams and Winterbotham—29.

So the motion to reconsider was not agreed to.

ORDERED, That the Secretary inform the House of the action of the Senate on said amendments.

Mr. Friedley (of Scott) moved to take up engrossed House bill No. 355.

Which was agreed to.

Mr. Friedley (of Scott) moved to suspend the constitutional rule requiring bills to be read on three several days, and read the bill a second time by title, and third time by sections, and put it upon its passage.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Bird, Boone, Bowman, Bunyan, Carnahan, Cave, Collett, Daugherty, Dittmore, Dwiggin, Fuller, Francisco, Friedley (of Scott,) Glessner, Gooding, Gregg, Hall, Haworth, Hough, Hubbard, Miller, Oliver, Orr, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Steele, Stroud, Thompson, Williams and Winterbotham—39.

Mr. Chapman voting in the negative.

So the constitutional rule was suspended and Engrossed House

bill 355, a bill to authorize the auditor of Scott county to correct the report made to the Superintendent of Public Instruction relating to the school fund common and Congressional as required by by an act entitled "An act requiring county auditors to make examination of the records of their office in relation to school funds, and make a report and providing compensation therefor," approved December 21, 1865, and declaring an emergency.

Which was read a second time by title and a third time by sections.

By unanimous consent Mr. Beeson offered the following amendment: Add after the word Scott in the third line of section one the words "and the auditor of the county of Wayne" and strike out the letter "y" from the last word of the fifth line of said section and add the letters "ies."

Which was adopted.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Boone, Bowman, Brown, Bunyan Carnahan, Cave, Chapman, Collett, Daugherty, Dittemore, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Oliver, Orr, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Thompson, Wadge and Winterbotham—41.

Mr. Williams voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill?

Mr. Sleeth moved to take up Senate bill No. 305.

Which was agreed to.

Mr. Sleeth moved to consider the bill engrossed and to suspend the constitutional rule requiring bills to be read on three several days, and read the bill a second time by title and a third time by sections.

The ayes and noes being taken under the rule.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Oliver, Orr, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Sleeth, Smith, Steele, Stroud, Thompson, Wadge, Williams and Winterbotham—46.

No Senator voting in the negative.

So the constitutional rule was suspended, and Senate bill No. 305—a bill to incorporate trustees selected by any religious society for educational, benevolent or charitable purposes, and enable them to receive and hold real and personal property for such purposes, was read a second time by title, a third time by sections, and put upon its passage.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Fuller, Friedley (of Scott,) Friedley (of Lawrence,) Francisco, Glessner, Gooding, Gregg, Hall, Haworth, Hough, Howard, Miller, Oliver, Orr, Ringo, Sarnighausen, Scott, Slater, Sleeth, Steele, Stroud, Thompson, Wadge, Williams and Winterbotham—41.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Hough moved to make engrossed House bill No. 526 a special order for 10:30 o'clock a. m. on to-morrow.

Which was agreed to.

Mr. Friedley, of Scott, moved to take up Senate bill No. 206.

Which was agreed to.

Mr. Friedley, of Scott, moved that the bill be considered engrossed, the constitutional rule requiring bills to be read on three several days, and read the bill a second time by title and a third time by sections, and put it upon its passage.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were: Messrs. Armstrong, Beardsley, Beeson, Beggs, Bird, Boone, Brown, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dwiggin, Fuller, Francisco, Friedley (of Scott), Friedley, (of Lawrence), Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Oliver, Orr, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Thompson, Wadge and Winterbotham—42.

No Senator voting in the negative.

So the constitutional rule was suspended and Senate bill No. 206—a bill to encourage agriculture and agricultural fairs by the purchase and improvement of fair grounds, was read a second time by title and a third time by sections and put upon its passage.

By unanimous consent Mr. Smith offered the following amendments: "Provided that said Commissioners shall first procure from the grantor or grantors an abstract of title certified to by the Clerks and County Recorder, showing that the title is clear, free and unincumbered.

Which was adopted.

The question being shall the bill pass.

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Beggs, Bird, Bowman, Brown, Bunyan, Collett, Daggy,
S. J.—55

Daugherty, Dittemore, Dwiggins, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gregg, Haworth, Miller, Oliver, Rhodes, Ringo, Scott, Smith, Steele, Taylor, Thompson, Wadge and Williams—29.

Those who voted in the negative were, Messrs. Beardsley, Boone, Carnahan, Cave, Chapman, Fuller, Gooding, Hall, Harney, Hough, Howard, Hubbard, Sarnighausen, Slater, Sleeth, Stroud and Winterbotham—17.

So the bill passed.

The question being shall the title as read stand as the title of the bill.

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Gooding moved to take up Engrossed Senate bill No. 231.

Which was agreed to.

Engrossed Senate bill No. 231—a bill to amend an act entitled “An act to amend an act granting to the citizens of the town of Evansville a city charter,” approved February 4, 1848.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bowman, Bunyan, Carnahan, Collett, Daggy, Daugherty, Dwiggins, Fuller, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Gregg, Harney, Haworth, Hough, Howard, Hubbard, Miller, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Thompson, Wadge, Williams and Winterbotham—35.

Those who voted in the negative were, Messrs. Beggs, Bird, Boone and Chapman—4.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED, That the Secretary inform the House of the passage of the bill.

Mr. Armstrong moved to make engrossed Senate bill No. 120 a special order for 4 o'clock p. m., on to-morrow.

Which was agreed to.

Mr. Steele moved to make Senate bill No. 293 a special order for 2 o'clock p. m., on to-morrow.

Which was agreed to.

Mr. Dittemore moved to make Senate bill No. 333 a special order for 11 o'clock a. m., on to-morrow.

Which was agreed to.

Mr. Daugherty moved to take up engrossed House bill No. 489

Which was agreed to.

Mr. Daugherty moved to suspend the constitutional rule requiring bills to be read on three several days, and read the bill a second time by title, and a third time by sections.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Bowman, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gregg, Harney, Haworth, Hough, Howard, Miller, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Smith, Steele, Stroud, Wadge, Williams and Winterbotham—35.

No Senator voting in the negative.

So the constitutional rule was suspended, and engrossed House bill No. 489—a bill to amend section five of an act entitled "An

act to incorporate the town of Huntington," approved February 16, 1848—was read a second time by title, and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Bird, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dwiggins, Fuller, Friedley (of Scott), Friedley (of Lawrence), Gregg, Harney, Haworth, Hough, Howard, Hubbard, Miller, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson, Williams and Winterbotham—36.

Messrs. Boone, Bowman and Glessner voting in the negative—3.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Hough moved that engrossed House bill No. 526 be made a special order for 10:30 o'clock a. m. on to-morrow

Which was agreed to.

Mr. Slater moved to take up Senate bill No. 126.

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were Messrs. Armstrong, Beeson, Beggs, Bird, Boone, Brown, Bunyan, Cave, Chapman, Collett, Daugherty, Dwiggins, Fuller, Friedley (of Lawrence), Gregg, Haworth, Hough, Miller, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Steele, Stroud, Taylor, Thompson, Wadge and Winterbotham—30.

Those who voted in the negative were Messrs. Bowman, Carnahan, Daggy, Glessner, Harney, Howard, Hubbard, Smith and Williams—9.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Taylor submitted the following report :

MR. PRESIDENT:

The Committee on ways and means of the House of Representatives, with the Finance Committee of the Senate, have made an examination of the register of redeemed certificates of State stock in the office of the Auditor of State, showing the number and amount of certificates redeemed by the Board of State Debt Sinking Fund Commissions, during the fiscal years beginning November 1, 1867, and ending October 31, 1872. The redeemed certificates were read and compared in number, date, name and amount with the register and found correctly entered and recorded. The certificates numbered in all 649, entered in pages 100 to 119 inclusive, of the register, making in the aggregate the sum of \$3,068,020.67, all of which were destroyed by burning as required by section five of the State Debt Bill, approved December 21, 1865.

Which was concurred in.

On motion by Mr. Carnahan, the Senate adjourned until tomorrow morning at 9:30 o'clock.

LEONIDAS SEXTON,

President of the Senate.

WEDNESDAY MORNING.

MARCH 5, 1873, 9:30 o'clock.

Senate met.

On motion by Mr. Fuller the reading of the Journal of yesterday was dispensed with.

Message from the House by Mr. Nixon, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following Senate bills, to-wit :

Senate bill, No. 169—a bill authorizing the organization of voluntary associations and prescribing their duties and powers.

Senate bill No. 170—a bill making an appropriation to Purdue University and declaring an emergency.

Senate bill No. 254—a bill to amend section sixty of an act to repeal all general laws now in force for the incorporation of cities prescribing their powers and rights, and the manner in which they shall exercise the same and to regulate such other matters as properly pertain thereto, approved March 14, 1867, and the same is herewith returned to the Senate.

I am also directed by the House of Representatives to inform the Senate that the House has passed the following House bills, to-wit :

Engrossed House bill No. 436—a bill to amend sections 109, 110, 111 and 118 of an act entitled " An act to provide for a general system of common schools, the officers thereof and their respective duties, etc., approved March 6, 1865.

Engrossed House bill No. 515—a bill to legalize elections in certain cases held by counties and townships to authorize aid to the construction of railroads.

Engrossed House bill No. 528—a bill concerning the employment of short-hand reporters, and providing that the original long-hand manuscript report of evidence may be used on appeal in certain cases.

Engrossed House bill No. 530—a bill to raise revenue for State purposes for the years 1873 and 1874.

Engrossed House bill No. 539—a bill to amend the first section of an act entitled "An act creating the nineteenth, twentieth, and twenty-first judicial circuits providing for the election of judges and prosecuting attorneys thereof, and providing compensation therefor, declaring the jurisdiction of said courts and providing for a transfer of actions thereto," etc.

Engrossed House bill No. 541—a bill fixing the time of holding circuit court in the thirteenth judicial circuit of this State.

Engrossed House bill No. 512—a bill to provide for interest on verdicts and finding of courts, and the same is herewith submitted to the Senate for its action thereon.

Mr. Bunyan moved to suspend the order of business and take up engrossed House bills on a third reading.

Which was not agreed to.

Mr. Orr asked and obtained indefinite leave of absence.

Mr. Oliver presented the following claim of Carey Henderson as an employe of the Senate, under the Secretary, also for the Committee on prisons.

Which was referred to the Committee on Claims.

Mr. Williams submitted the following report:

MR. PRESIDENT:

The Joint Committee on Claims to whom was referred claims of Indianapolis Sentinel for \$530.00 and Indianapolis Journal for 594.27, have had the same under consideration and direct me to report the same back without recommendation.

Which was concurred in.

Mr. Williams submitted the following report :

MR. PRESIDENT.

The Joint Committee on Claims, to whom was referred claim of O. M. Eddy, for \$990.00, have had the same under consideration, and direct me to report the same back, with the recommendation that the same be allowed, and refer the same to the Finance Committee, to be incorporated in the specific appropriation bill.

Which was concurred in.

Mr. Williams submitted the following report :

MR. PRESIDENT :

The Joint Committee on Claims, to whom was referred claim of T. W. McCoy, for extra clerical service for \$3,200, have had the same under consideration, and direct me to report the same back to the Senate, with the recommendation that the same be not allowed.

Which was concurred in.

Mr. Williams submitted the following report :

MR. PRESIDENT :

The Joint Committee on Claims, to whom was referred claim of Spiegel & Thoms, \$77.00, for furniture purchased for Senate use in special session, have had the same under consideration and direct me to report the same back to the Senate, with the recommendation that the same be allowed.

Which was concurred in.

Mr. Williams submitted the following report :

MR. PRESIDENT :

The Joint Committee on Claims, to whom was referred claim of Adams, Mansur & Co., for material furnished the Senate of special session, amounting to \$252.58, have had the same under consideration and direct me to report the same back, with the recommendation that the same be allowed, and referred to the Committee on Finance, to be incorporated in the specific appropriation bill.

Which was concurred in.

Mr. Williams submitted the following report :

MR. PRESIDENT :

The Joint Committee on Claims, to whom was referred claim of memorial of Rebecca A. Williamson, for services of her husband, Elesor Williamson, serving as Surgeon of the 130th Regiment, Indiana Volunteer Infantry, for \$350.00, have had the same under consideration, and recommend that the same be not allowed.

Which was concurred in.

Mr. Williams submitted the following report :

MR. PRESIDENT :

The Joint Committee on Claims, to whom was referred sundry claims in the Burson and Kline case, have had the same under consideration, and direct me to report as follows, to-wit: George W. Spilker be allowed \$12.80; H. C. Klein be allowed \$20.00; C. H. Tuairé be allowed \$20.00; J. R. McKinney be allowed \$14.00; Wm. Cox be allowed \$19.20; Leberty Grin be allowed \$23.00.

Refer the same to the Committee on Finance, to be incorporated in the Specific Appropriation bill.

Which was concurred in.

Mr. Hubbard made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Engrossed House bill No. 189—a bill to place directors and officers of Macadamized and gravel road companies, organized under the laws of this State, whenever they may have become creditors of such corporations on equal terms with other creditors in any and all suits for the collection of money due them, and to repeal all laws in conflict therewith, have had the same under consideration and recommend its passage.

Which was concurred in.

Mr. Williams submitted the following report :

MR. PRESIDENT :

The Joint Committee on Claims to whom was referred the claim of James Cathrell for hauling done for the 142d Regiment Indiana Volunteer Infantry during the war, \$150.00, have had the same under consideration, and direct me to report the same back with the recommendation that the same be not allowed. .

Mr. Bird moved to lay the report on the table.

Which was not agreed to.

The question being on concurring in the report of the committee.

It was concurred in.

Mr. Glessner submitted the following report : 1

MR. PRESIDENT :

The Committee on Education to whom was referred engrossed House bill No. 411, have had the same under consideration and a majority of the committee have directed me to report the same to the Senate, recommending its passage.

Which was concurred in.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following act of the Senate, to-wit:

Enrolled act No. 238 of the Senate—an act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein, abolishing the Courts of Common Pleas, and transferring the business thereof to the Circuit Courts, and providing for the election of Judges and Prosecuting Attorneys in certain cases, and the same is herewith returned to the Senate.

Mr. Howard submitted the following report:

MR. PRESIDENT :

The Committee on County and Township Business, to whom

was referred Senate bill No. 338, entitled "An act to amend section forty of an act entitled an act dividing the State into counties, defining their boundaries, and defining the jurisdiction of each as border on the Ohio and Wabash rivers," approved June 7, 1852, have had the same under consideration and report it back to the Senate, recommending its passage.

Which was concurred in.

Mr. Sarnighausen submitted the following report :

MR. PRESIDENT :

The Committee on Rights and Privileges of the Inhabitants of the State, to whom was referred Engrossed House bill No. 272, entitled "A bill to regulate the sale of mineral oils and other substances for illuminating purposes," have had the same under consideration, and directed me to report it back with the recommendation that it be laid upon the table.

Which was concurred in.

Mr. Sarnighausen submitted the following report :

MR. PRESIDENT :

The Committee on Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill No. 307, entitled "A bill amending an act entitled an act regarding estrays and articles adrift," approved June 16, 1852, have had the same under consideration and directed me to report it back with the recommendation that it be indefinitely postponed.

Which was concurred in.

Mr. Sarnighausen submitted the following report :

MR. PRESIDENT :

The Committee on Rights and Privileges of the Inhabitants of the State, to whom was referred Senate bill No. 337, entitled "A bill to amend section one of an act for the protection of the Sabbath, and providing penalties for the desecration thereof," approved February 28, 1855, have had the same under consideration, and

direct me to report it back with the recommendation that it be laid on the table.

Which was concurred in.

Mr. Beeson submitted the following report:

MR. PRESIDENT:

The Committee on Temperance, to whom was referred House bill No. 312—a bill to provide against intoxication on the part of public officers, and to provide for their removal from office therefor, have had the same under consideration, and direct me to report the same back to the Senate for its action without any recommendation from the committee.

Which was concurred in.

Mr. Sarnighausen submitted the following report:

MR. PRESIDENT:

The Committee on Immigration and Statistics, to whom was referred petition No. 5, in relation to the immigration from the South Slavic territories in Europe, have had the same under consideration, and have directed me to report the same back with the recommendation that it be laid on the table.

Which was concurred in.

Mr. Daggy submitted the following report:

MR. PRESIDENT:

The Committee on Insurance, to whom was referred Senate bill No. 129, entitled "An act relating to insurance companies," have had the same under consideration, and direct me to return the same, recommending its passage, with the following amendments:

First. Strike out section seventeen, line twenty-one, all after the word "banks," to the end of the sentence in line twenty-three.

Second. In section twenty-two, line fourteen, strike out the words, "more than twenty-five per cent;" in lines eighteen and nineteen of said section, strike out the words "within twenty-five per cent. of."

Third. In section fifty-one, strike out lines sixteen and seventeen; also, strike out of said section lines twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty and thirty-one.

Fourth. Amend by adding section fifty-two, as "there shall be paid to the commissioner of insurance by each foreign company two dollars for every agency they may establish in the State, and for examining and filing any statement, or certificate, or papers required by this act to be filed with such commissioner, \$10.00.

There shall be paid to the commissioners of Insurance, in addition to the enumerated fees, for making personal examination into the assets of any company, \$10.00 per day and traveling expenses to and from such company's office.

Fifth. Amend by numbering section fifty-two and fifty-three, by numbering section fifty-three fifty-four, and by numbering section fifty-four fifty-five.

Which was concurred in.

Mr. Chapman submitted the following report:

MR. PRESIDENT:

The Committee on Swamp Lands, to whom was referred engrossed House bill No. 76—a bill to amend an act to enable the owners of wet lands to drain and reclaim them, where the same can not be done without affecting the land of others, etc., approved March 11, 1867, have had the same under consideration, and have directed me to report the same back, recommending its passage.

Which was concurred in.

Mr. Scott submitted the following report:

MR. PRESIDENT:

The Committee on Education, to whom was referred Senate bill No. 340, providing for the appointment of trustees of Purdue University, have had the same under advisement, and have directed me to report the same back to the Senate, with a recommendation that the same be referred to the Committee on the Judiciary, for

the purpose of determining the extent of the power conferred upon certain trustees by said bill.

Which was concurred in.

Mr. Hall offered the following resolution:

Resolved, That the Committee on Public Buildings are requested to ascertain and report the amount of insurance on the books and documents, etc., in the State Library, and if, in their opinion, insufficient, they are requested to take such steps as will fully insure everything of value in the State Library.

Which was adopted.

Mr. Williams submitted Senate Joint Resolution No. 17—a joint resolution authorizing the payment of a lost certificate of State stock, No. 956, to Etunna Lyon Arnold, of Paris, France.

Which was referred to the Committee on the Judiciary.

Mr. Friedley, of Lawrence, introduced Senate Joint Resolution instructing our Senators and requesting our Representatives in Congress to use their influence to prevent the passage of a law requiring publishers of weekly newspapers to prepay postage on their publications in the counties where printed.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Daugherty, Dittemore, Dwiggin, Fuller, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Haworth, Hough, Hubbard, Miller, Neff, Oliver, Sarnighausen, Scott, Slater, Sleeth, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—38.

Messrs. Hall and Ringo voting in the negative.

So the joint resolution passed.

The question being, shall the title as read stand as the title of the joint resolution?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the joint resolution.

Mr. Harney asked and obtained indefinite leave of absence.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills have had under consideration and find correctly enrolled the following bills:

Senate Enrolled Act No. 50—an act supplemental to the act entitled “An act dividing the State into counties,” etc. Also,

Senate Joint Resolution confirming the purchase of additional grounds where to erect a new State House. Also,

Senate bill No. 69—a bill to authorize and empower cities incorporated under any general law of this State for the incorporation of cities owning real estate, to sell and convey the same, in whole or in parcel, as the Common Council of such city or cities may deem expedient, and prescribing in what manner the same may be conveyed, and declaring an emergency.

Mr. Hall submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills have had the following bills under consideration:

An act to amend section fifty-eight of an act entitled “An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 14, 1867, and declaring an emergency,” and find the same correctly enrolled.

SPECIAL ORDER.

The hour of 10 o'clock, a. m., having arrived, being the hour fixed for the consideration of engrossed House bill No. 523, it was taken up.

Engrossed House bill No. 526—a bill for an act to provide for the public printing and binding.

Which was read a third time.

The question being, shall the bill pass.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Scott,) Glessner, Gooding, Hall, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Smith, Steele, Stroud, Taylor and Winterbotham—40.

Mr. Friedley (of Lawrence,) voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

The President announced that he had signed Enrolled act of the Senate No. 238.

Mr. Brown moved to suspend the order of business, and take up Engrossed House bill No. 539.

Which was agreed to.

Engrossed House bill No. 539—a bill to amend the first section of an act entitled “An act creating the nineteenth, twentieth, and twenty-first judicial circuits, providing for the election of judges and prosecuting attorneys thereof, and providing compensation therefor, declaring the jurisdiction of said courts and providing for a transfer of action thereto, approved March 11, 1867, and to provide for the transfer of actions and business in said twenty-first judicial circuit to the Wayne circuit court, and declaring its jurisdiction in relation thereto.”

Which was read a first time and referred to a select committee of three, consisting of Messrs. Beeson, Gooding and Fuller, with instructions to consider the advisability of abolishing the criminal courts in Floyd and Clarke counties.

Mr. Bunyan moved to take up House bills on a third reading.

Mr. Dwiggins moved to amend by taking up Senate bills on a second reading.

Mr. Bunyan moved to lay the motion by Mr. Dwiggins on the table.

Which was not agreed to.

The question being, on the motion as announced.

Which was agreed to.

SAECIAL ORDER.

The hour of 10 o'clock having arrived, being the hour fixed for the consideration of Senate bill No. 333.

It was taken up.

Mr. Dittemore moved to suspend the constitutional rule, and read the bill a second time by title, consider it engrossed and read the bill a third time by sections and put it upon its passage.

The eyes and noses being taken under the rule, those who voted in the affirmative were: Messrs. Armstrong, Beeson, Bunyan, Beggs, Bird, Boone, Bowman, Brown, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Gooding, Gregg, Haworth Howard, Hubbard, Miller, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele Stroud, Thompson, Wadge, Williams and Winterbotham—39.

So the constitutional rule was suspended and Senate bill No. 333—a bill for the relief of the indigent crippies of the State of Indiana, was read a second time by title, and a third time by sections.

The question being, shall the bill pass?

S. J.—56

Those who voted in the affirmative were: Messrs. Beardsley, Beeson, Beggs, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Gregg, Hall, Haworth, Hough, Howard, Hubbard, Miller, Neff, Rhodes, Ringo, Scott, Slater, Sleeth, Smith, Steele, Stroud, Thompson, Wadge, Williams and Winterbotham—40.

Mr. Gooding voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Senate bill No. 274—an act to amend the act of February 20, 1867, relating to capital stock of County Agricultural, Mechanical and Horticultural Societies of Indiana, and authorizing them to increase and fix the same, and increasing the quantity of land to be held by each.

Which was read a second time and ordered engrossed.

On motion Senate bill No. 95 was ordered engrossed.

Senate bill No. 139—a bill to enable railroad companies to alter their lines under certain cases and declaring an emergency, was read a second time and ordered engrossed.

Senate bill No. 242—a bill to amend sections seven and eight of an act entitled “An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 14, 1867.

Which was read a second time and ordered engrossed.

Mr. Hall submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled bills have had under consideration, and find correctly enrolled the following bill:

Senate Enrolled bill No. 156—a bill authorizing cities constructing water works, to issue bonds and dispose of the same in aid of the construction of such water works.

Senate bill No. 244—an act fixing the compensation of certain officers therein mentioned.

Which was read a second time.

Mr. Williams offered the following amendment: "Strike out five hundred and insert nine hundred."

Mr. Neff moved to lay the amendment on the table.

Which was agreed to, and the bill ordered engrossed.

Senate bill No. 251—an act in relation to donations by individuals to aid in the construction of railroads.

Which was read a second time and ordered engrossed.

Senate bill No. 256—an act to prohibit certain officers from using free passes over railroads.

Which was read a second time.

Mr. Dwiggins moved to indefinitely postpone the bill.

Messrs. Gregg and Dwiggins demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beggs, Carnahan, Cave, Chapman, Daggy, Dittemore, Dwiggins, Fuller, Francisco, Glessner, Haworth, Howard, Miller, Oliver, Ringo, Scott, Sleeth, Smith, Steele, Stroud, Taylor and Thompson—24.

Those who voted in the negative were, Messrs. Beeson, Bird, Boone, Bowman, Brown, Bunyan, Collett, Gregg, Hall, Hough, Hubbard, Neff, Rosebrugh, Sarnighausen and Slater—15.

So the motion to indefinitely postpone the bill was not agreed to.

Senate bill No. 297—an act making it unlawful for any person, owning or having the possession, care, management or control of any saloon, restaurant, room, or other place, in which intoxicating liquors of any kind are kept for sale, to be drank, to allow, permit, or suffer any person or persons, under the age of twenty-one years, to come into and stay, loaf or congregate in or about such saloon, restaurant, room, or other place where such liquors are so kept, and fixing the penalty for violating this act.

Which was read a second time and ordered engrossed.

Senate bill No. 296—a bill requiring railroad companies to pay an equal amount of the cost of keeping railroad crossings in repair where two railroads cross each other.

Which was read a second time.

Mr. Dwiggins moved to lay the bill on the table.

Which was agreed to.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on enrolled bills report that they have this day presented to the Governor, Senate bill No. 238 for his approval.

Enrolled Senate bill No. 238—an act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein, abolishing the Courts of Common Pleas and transferring the business thereof to the Circuit Courts and providing for the election of Judges and Prosecuting Attorneys.

Senate bill No. 299—an act providing for distribution of proceeds of sale of school house property where portions of school house districts are annexed to cities of thirty thousand inhabitants, and where school house property of such districts within the annexed territory is sold.

Which was read a second time and ordered engrossed.

Senate bill No. 304—a bill to repeal section 37 of an act to regulate the sale of swamp lands donated by the United States to the

State of Indiana, and to provide the draining and reclaiming thereof in accordance with the conditions of said grant, approved May 29, 1852.

Which was read a second time and ordered engrossed.

Senate bill No 306—a bill providing for the organization of incorporated companies with power to lay out and build towns or additions to towns in the State of Indiana.

Which was read a second time and ordered engrossed.

Senate bill No. 267—a bill requiring license for certain purposes therein specified.

Which was read a second time and ordered engrossed.

Senate bill No. 275—an act granting the consent of the State of Indiana to the purchase by the United States of lands for the purpose of the erection of custom houses, post office buildings and United States court houses, ceding jurisdiction over the same to the United States, and exempting the same, together with the property thereon, belonging to the United States, from taxation, and providing for the condemnation of land for said purposes.

Which was read a second time, and ordered engrossed.

Senate bill No. 276—an act repealing section seventeen of an act entitled "An act defining felonies and prescribing punishment therefor," approved June 10, 1852.

Which was read a second time, and ordered engrossed.

Senate bill No. 277—an act to extend the jurisdiction of the judges of the criminal circuit courts of this State.

Which was read a second time, and ordered engrossed.

Senate bill No. 208—an act to amend section nine of an act concerning the mode of proceeding in criminal cases, defining felonies and misdemeanors, etc.

Which was read a second time, and ordered engrossed.

Senate bill No. 230—a bill to amend section 397 of an act entitled "An act to revise, simplify and abridge the rules of practice,

pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a second time, and ordered engrossed.

Mr. Chapman moved to suspend the order of business, and take up engrossed House bill No. 144.

Which was agreed to.

Engrossed House bill No. 144—a bill to provide for the crossing of railroads, the keeping in repair of such crossings, and providing for the expenses thereof.

Which was read a second time.

Mr. Chapman offered the following amendment:

Amend by striking out all after the word "act," in the second section, and insert the following: "It shall be the duty of each company respectively to maintain and keep in repair its own track, so as at all times to provide a ready, safe and convenient crossing for all locomotives or trains passing on either road at such point."

Mr. Chapman moved to suspend the constitutional rule requiring bills to be read on three several days, consider the amendment engrossed, and read the bill a third time, and put it upon its passage.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Beggs, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Dittemore, Dwiggin, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Skater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—42.

No Senator voting in the negative.

So the constitutional rule was suspended.

Engrossed House bill No. 144—a bill to provide for the crossing of railroads the keeping in repairs such crossing and providing for the expense thereof.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Beggs, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Dittemore, Dwiggins, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Gregg, Hall, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—43.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

By unanimous consent Mr. Sleeth introduced Senate bill No. 342—a bill for an act to repeal section 55 of an act entitled an act making specific appropriations for the years 1871 and 1872, approved December 21, 1872.

Which was read a first time.

Mr. Dwiggins, moved to suspend the constitutional rule requiring bills to be read on three several days and read the bill a second time by title, consider it engrossed and read a third time by sections and put it upon its passage.

The ayes and noes being taken under the rule.

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Beggs, Bird, Boone, Bowman, Brown, Bunyan, Carnahan,

Cave, Chapman, Collet, Daggy, Dittemore, Dwiggin, Francisco, Friedley (of Scott,) Friedley, (of Lawrence,) Glessner, Gooding, Gregg, Hall, Haworth, Hough, Hubbard, Miller, Oliver, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—42.

No Senator voting in the negative.

So the constitutional rule was suspended, and Senate bill No. 342—a bill for an act to repeal section 55 of an act entitled “An act making specific appropriations for the years 1871 and 1872,” approved December, 1872, was read a second time by title, considered engrossed, and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Beggs, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Dittemore, Dwiggin, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner Gooding, Gregg, Hall, Haworth, Hough, Howard, Hubbard, Miller, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—42.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

On motion by Mr. Hough, the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled at 2 o'clock.

Mr. Glessner submitted the following report :

MR. PRESIDENT :

The select committee to whom was referred Senate bill No, 186, entitled " An act to abolish the common pleas court and criminal courts, and establishing the office of surrogate, etc., have had the same under consideration, and a majority of the committee have directed me to report the same to the Senate with a recommendation that it be laid on the table.

Which was concurred in.

Mr. Dittmore moved to suspend the order of business, and take up engrossed House bill No. 61.

Mr. Brown moved to lay the motion on the table.

Which was agreed to.

Mr. Beardsley introduced the following resolution :

Resolved, That the Secretary of State be authorized, and he is hereby directed to sell the property, consisting of chairs, desks, carpets, bowls, pitchers, and other articles not herein named, bought for and used by the several committees of the Senate in the committee rooms ; said sale to be at public auction at ten o'clock a. m. on Monday next, at such place as he shall name in the notice of sale, and the proceeds of said sale to be placed in the State Treasury.

Which was adopted.

Mr. Hall submitted the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled Bills have had under consideration, and find correctly enrolled, engrossed Senate bill No. 170—a bill making an appropriation to Purdue University and declaring an emergency.

SPECIAL ORDER.

The hour of two o'clock having arrived, being the hour fixed for the consideration of Senate bill No. 293, it was taken up.

Senate bill No. 293—a bill supplemental to an act entitled "An act to provide for the election, fixing the compensation, and prescribing the duties of Attorney General of the State of Indiana," approved February 21, 1855, and repealing an act entitled "An act to amend sections four and seven of an act to provide for the election, fixing the compensation, and prescribing the duties of the Attorney General of the State of Indiana," approved June 3, 1861, and prescribing additional duties of clerks of circuit courts, and prosecuting and district attorneys.

Which was read a second time.

Mr. Steele offered the following amendment:

SEC. 15. That the Attorney General be, and he is hereby authorized to employ and have such clerks and deputies as the Governor, Secretary and Auditor of State may think necessary and proper, and that they be paid such compensation as said officers may deem reasonable and just, to be audited and paid on the certificate and approved of said officers.

Mr. Smith offered the following amendment: Strike out all except that part which refers to the salary of the Attorney General.

Mr. Steele moved to lay the amendment on the table.

Which was agreed to.

The question being on the adoption of the amendment by Mr. Steele,

Mr. Dittemore moved to lay the amendment on the table.

Messrs. Brown and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beggs, Boone, Bowman, Bunyan, Carnahan, Daugherty, Dittemore, Fuller, Francisco, Ringo, Sleeth, Smith, Stroud and Williams—14.

Those who voted in the negative were, Messrs. Beeson, Bird, Brown, Bunyan, Cave, Chapman, Collett, Daggy, Dwiggins,

Friedley, (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Rhodes, Sarnighausen, Scott, Slater, Steele, Taylor, Thompson, Wadge and Winterbotham—32.

So the amendment was not laid on the table.

The question recurring on the adoption of Mr. Steele's amendment.

Which was adopted.

Mr. Scott offered the following amendment.

Amend section eleven by adding at the end, the following:

Provided, that the Attorney General shall not prosecute, or assist in prosecuting any information in the nature of a quo warranto, against any corporation where the main purpose is the collection of a debt or claim until a judgment shall have been first obtained against said corporation, and said corporation shall fail or refuse to pay or stay the same for a period of one year unless there is after judgment, danger of losing such debt by the insolvency of said company or corporation. *Provided, further*, that no dismissal of any such proceeding shall in any manner prejudice the rights of the State if any are now pending.

Mr. Slater moved to lay the amendment on the table.

Which was agreed to.

Mr. Daggy offered the following amendment: But in no case shall the fees, salary, perquisites, or emoluments, altogether exceed the sum of ten thousand dollars in any one year "but any excess shall be paid into the Treasury of the State of Indiana."

Mr. Smith offered the following amendment to the amendment offered by Mr. Daggy: Amend by making it read five thousand dollars.

Mr. Wadge moved to lay the amendment to the amendment on the table.

Messrs Dittmore and Wadge demanded the ayes and nocs.

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Bowman, Brown, Bunyan, Chapman, Collett, Daggy, Dwiggin, Glessner, Gooding, Gregg, Haworth, Hough, Howard, Hubbard, Miller, Oliver, Rhodes, Steele, Taylor, Wadge and Winterbotham—23.

Those who voted in the negative were, Messrs. Armstrong, Beggs, Bird, Carnahan, Cave, Daugherty, Dittemore, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Hall, Neff, O'Brien, Ringo, Sarnighausen, Scott, Slater, Smith, Stroud, and Williams—21.

So the amendment to the amendment was laid on the table.

The question being on the adoption of the amendment offered by Mr. Daggy.

Mr. Smith and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Bird, Boone, Bowman, Brown, Bunyan, Cave, Chapman, Collett, Daggy, Dwiggins, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Haworth, Hough, Hubbard, Miller, Oliver, Ringo, Sarnighausen, Scott, Steele, Taylor, Wadge, Williams and Winterbotham—35.

Those who voted in the negative were, Messrs. Carnahan, Daugherty, Dittemore, Howard, Neff, Slater, Smith and Stroud—8.

So the amendment by Mr. Daggy was adopted.

Mr. Dittemore offered the following amendment: "Strike out 20 per cent. wherever it occurs and insert 5 per cent.

Also strike out "ten per cent." wherever it occurs and insert "five per cent."

Mr. Brown moved to lay the amendment on the table.

Messrs. Dittemore and Slater demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong,

Beardsley, Beeson, Brown, Bunyan, Cave, Glessner, Gooding, Gregg, Howard, Hubbard, Miller, Rhodes, Steele, Taylor and Wadge—16.

Those who voted in the negative were, Messrs. Bird, Boone, Bowman, Carnahan, Chapman, Collett, Daggy, Daugherty, Dittemore, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence, Hall, Hough, Neff, O'Brien, Oliver, Ringo, Scott, Slater, Smith, Stroud, Williams and Winterbotham—25.

So the motion to lay the amendment on the table did not prevail.

Mr. Brown moved to amend the amendment by striking out "five," and inserting "ten."

Mr. Dittemore moved to lay the amendment to the amendment on the table.

Messrs. Dittemore and Slater demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beggs, Bird, Boone, Bowman, Carnahan, Cave, Chapin, Collett, Daggy, Daugherty, Dittemore, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Hall, Neff, O'Brien, Oliver, Sarnighausen, Scott, Smith, Stroud, Taylor, Williams and Winterbotham—25.

Those who voted in the negative were, Messrs. Beardsley, Beeson, Brown, Bunyan, Dwiggins, Fuller, Glessner, Gooding, Gregg, Haworth, Hough, Howard, Hubbard, Miller, Rhodes, Slater, Steele and Wadge—18.

So the amendment to the amendment was laid on the table.

Mr. Gooding offered the following amendment to the amendment of Mr. Dittemore:

Amend section nine so as to allow ten per cent. on all sums less than five hundred dollars, and on all sums exceeding five hundred dollars, five per cent.

Which was adopted.

The question being on the adoption of the amendment as amended,

It was adopted.

Mr. Rhodes offered the following amendment: Amend by adding to section 15, *Provided*, that the total expenses of the attorney general for hire of clerks, deputies, or other assistants, shall not exceed \$10,000 in any one year, and shall be paid out of funds collected by the attorney general, or his clerks or deputies.

Mr. Gooding moved to lay the amendment on the table.

Which was not agreed to.

The question being on the adoption of the amendment,

It was adopted.

Mr. Wadge moved to suspend the constitutional rule requiring bills to be read on three several days, consider the bill engrossed and read a third time, and put upon its passage.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Boone, Bowman, Brown, Bunyan, Chapman, Collett, Daggy, Dwiggin, Fuller, Friedley, (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Rhodes, Ringo, Sarnighausen, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—39.

Messrs. Carnahan, Cave, Dittemore, Francisco and Scott, voting in the negative.

So the constitutional rule was suspended, and Senate bill No. 293—a bill supplemental to an act entitled "An act to provide for the election, fixing the compensation, and prescribing the duties of Attorney General of the State of the State of Indiana, approved February 21, 1855, and repealing an act entitled an act to amend sections four and seven of an act to provide for the election, fixing the compensation and prescribing the duties of the Attorney General of the State of Indiana, approved June 3, 1861, and prescribing additional duties of clerks of circuit courts and prosecuting and district attorneys"—was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Beggs, Brown, Bunyan, Chapman, Collett, Daggy, Dwiggin, Fuller, Francisco, Glessner, Gooding, Gregg, Haworth, Hough, Howard, Hubbard, Miller, O'Brien, Oliver, Rhodes, Ringo, Sarnighausen, Sleeth, Steele, Stroud, Taylor, Thompson, Wadge and Williams—31.

Those who voted in the negative were, Messrs. Armstrong, Bird, Boone, Carnahan, Cave, Dittemore, Friedley (of Scott), Friedley (of Lawrence), Scott, Slater and Smith—11.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

The President announced that he had signed Enrolled Acts of the Senate Nos. 10, 50, 69 and 159. Also, Senate Joint Resolution No. 12.

Message from the House, by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed, with the accompanying engrossed amendments of the House thereto attached, the following Senate bill, to-wit:

Senate bill No. 292—a bill regulating the fees of officers, and providing penalties for its violation, repealing certain acts therein named, and providing duties to be performed by State, county and township officers, and matters properly connected therewith, and declaring an emergency.

Engrossed House amendments to Senate bill No. 292: Strike out all of section five, after line four, and insert the following: "Five per centum on the first twenty-five thousand dollars of taxes collected; four per centum on the next ten thousand dollars;

three per centum on the next five thousand dollars; two per centum on the next five thousand dollars, and on all sums thereafter one per centum; also five per centum on all delinquent taxes collected, when paid voluntarily and without levy; and ten per centum, if paid after levy; and the treasurer shall also be allowed the same fees and charges, except mileage, for making distress and sale of goods and chattels for the payment of taxes, as may be allowed by law to constables for making levy and sale of property on execution; and for their services in going to and returning from Indianapolis to make deposits with Treasurer of State, and to make their annual settlement with that office, shall be allowed mileage for the number of miles from each county respectively, as now allowed by law; for receiving and disbursing all funds, other than taxes and school funds and funds arising from the sale of county bonds, they shall receive five per centum: *Provided, however,* that the treasurer shall only receive one per cent. for receiving and disbursing moneys borrowed by the county.

Amend section six, by striking out the word "official" in line forty-four.

And the Senate is respectfully requested to concur in said amendments.

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled acts, to-wit:

Enrolled act No. 10, Senate—an act to amend section fifty-eight of an act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867, and declaring an emergency.

Enrolled act No. 50 of the Senate—an act supplemental to the act entitled "An act dividing the State into counties, defining their boundaries and defining the jurisdiction of such as border on the Ohio and Wabash rivers, approved June 7, 1852, so as to define the boundaries between the counties of Washington and Clarke.

Enrolled act No. 69 of the Senate—an act authorizing and empowering cities incorporated under any general law of this State

for the incorporation of cities and owning real estate to sell and convey the same in whole or in parcels as the common council of such city or cities may deem expedient and prescribing in what manner the same be conveyed, and declaring an emergency.

Enrolled act No. 156, Senate—an act to authorize cities constructing water works, to issue bonds and to dispose the same in aid of the construction of such water works.

Enrolled Joint Resolution No. 12, Senate—a Joint Resolution confirming the purchase of additional grounds whereon to erect a new State House.

And the same are herewith returned to the Senate for the signature of the President thereof.

SPECIAL ORDER.

The hour of 4 o'clock p. m. having arrived, being the hour fixed for the consideration of Senate bill No. 120, it was taken up.

Senate bill 120—a bill to protect the ballot box, to procure a fair election, to define felonies and prescribe punishment thereof.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Gregg, Haworth, Hough, Howard, Hubbard, Miller, Neff, O'Brien, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson and Williams—44.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

S. J.—57

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Brown moved to suspend the order of business, and take up engrossed Senate bill No. 292.

Which was agreed to.

The question being on concurring in the engrossed amendments of the House to the bill,

They were concurred in.

ORDERED: That the Secretary inform the House thereof.

Mr. Hall submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills report that they have carefully compared engrossed Senate bill No. 254—an act to amend section sixty of an act entitled “An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,” approved March 14, 1867.

Mr. Beeson submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred House bill No. 539—a bill to amend the first section of an act entitled “An act creating the nineteenth, twentieth and twenty-first judicial circuits, providing for the election of judges and prosecuting attorneys thereof, and providing compensation therefor, declaring the jurisdiction of said courts, and providing for a transfer of actions thereto,” approved March 11, 1867, and to provide for the transfer of action and business in said twenty-first judicial circuit to the Wayne Circuit Court, and declaring its jurisdiction in relation thereto—have had the same under consideration, and direct me to report the same back to the Senate, and recommend its passage.

Which was concurred in.

Mr. Brown moved to suspend the constitutional rule requiring bills to be read on three several days, and read the bill a second time by title and a third time by sections.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Gooding, Gregg, Hall, Howard, Haworth, Hough, Hubbard, Miller, Neff, O'Brien, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Williams and Winterbotham—43.

Mr. Bird voting in the negative.

So the constitutional rule was suspended, and engrossed House bill No. 539—a bill to amend the first section of an act entitled “An act creating the nineteenth, twentieth and twenty-first judicial circuits, providing for the election of judges and prosecuting attorneys thereof, and providing compensation therefor, declaring the jurisdiction of said courts, and providing for a transfer of action thereto, approved March 11, 1867, and to provide for the transfer of actions and business in 21st judicial circuit to the Wayne circuit court, and declaring its jurisdiction in relation thereto, was read a second time by title, and the third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Beggs, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Daggy, Daugherty, Dwiggin, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Hall, Haworth, Hough, Hubbard, Miller, Neff, O'Brien, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—41.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED, That the Secretary inform the House of the passage of the bill.

Message from the House, by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the following resolution of the Senate to-wit:

WHEREAS, There are now on deposit in the office of the State Librarian a large number of volumes of the Report of the Adjutant General of the State of Indiana and in their present condition they are entirely worthless.

Resolved, by the Senate, the House concurring therein, that the State Librarian is hereby authorized to distribute said Reports, one set to each member, one set to each clerk, and one set to each doorkeeper of the Senate and House, of this General Assembly.

And the same is herewith returned to the Senate.

I am directed by the House of Representatives to inform the Senate that the House has concurred in the amendment of the Senate to the following House bills to-wit:

Engrossed House bill No. 87—a bill to amend an act entitled “An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, etc.

Engrossed House bill No. 8—a bill to prevent hunting and shooting on enclosed lands without consent of the owner or occupant thereof and providing a penalty therefor.

Engrossed House bill No. 55—a bill to amend an act entitled “An act to provide for a general system of common schools the officers thereof, and their respective powers and duties and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment of township libraries, etc.

Engrossed House bill No. 355—a bill to authorize the auditor of Scott county to correct the report made to the Superintendent of Public Instruction relating to the school fund, common and congressional, as required by an act entitled “An act requiring county auditors to make examination of the records of their offices,” etc.

Engrossed House bill No. 138—a bill to amend the third section of the act entitled “An act to authorize cities and towns to regulate and sell bonds to procure means with which to erect and complete unfinished school buildings and pay debts contracted for erection of such buildings, and authorize a levy, etc.

Mr. Friedley, of Lawrence, moved to take up engrossed House bill No. 189.

Which was agreed to.

Engrossed House bill No. 189—a bill to place directors and other officers of Macadamized and gravel road companies under the laws of this State, whenever they may have become creditors of such corporations, on equal terms with other creditors in any and all suits for the collection of money due them, and to repeal all laws in conflict therewith.

Which was taken up and read a second time.

Mr. Winterbotham moved to take up Senate bill No. 325.

Which was agreed to.

Mr. Winterbotham moved to suspend the constitutional rule requiring bills to be read on three several days, and read the bill a second time by title, consider it engrossed, and read a third time by sections.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beggs, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Daggy, Daugherty, Dwiggin, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Gregg, Hall, Haworth, Hough, Howard, Hubbard, Miller, Neff,

O'Brien, Oliver, Ringo, Sarnighausen, Scott, Steele, Thompson, Williams and Winterbotham—37.

No Senator voting in the negative.

So the constitutional rule was suspended, and Senate bill No. 325—a bill for an act to authorize the Governor of the State to exchange with Peter Donnelly certain land therein described, was read a second time by title, and the third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beggs, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gregg, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Ringo, Sarnighausen, Scott, Slater, Steele, Stroud, Taylor, Thompson, Williams and Winterbotham—36.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Beardsley moved to suspend the constitutional rule requiring bills to be read on three several days, and read engrossed Senate bill No. 244 a third time now.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dwiggin, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Gregg, Hall, Haworth, Hough, Howard, Miller, Neff,

O'Brien, Oliver, Rhodes, Ringo, Sarnighausen, Slater, Sleeth, Steele, Stroud, Taylor, Thompson, Williams and Winterbotham—41

Mr. Scott voting in the negative.

So the constitutional rule was suspended, and engrossed Senate bill No. 244—a bill fixing the compensation of certain officers therein mentioned, was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dwiggin, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Gregg, Haworth, Hough, Howard, Hubbard, Miller, Neff O'Brien, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Steele, Stroud, Taylor, Thompson, Williams and Winterbotham—40.

Mr. Beggs voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Hall submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills report that they have carefully compared engrossed Senate bill No. 264, and report the same correctly enrolled—a bill to amend the fourth, fifth, twenty-sixth, thirty-fifth, forty-third and fifty-eighth sections of an act entitled "An act granting the citizens of the town of Evansville, in the county of Vanderburgh, a city charter," approved January 27, 1847.

Mr. Steele moved to take up engrossed Senate bill No. 27—a

bill to legalize certain acts of corporations organized, or attempted to be organized, under and by virtue of an act entitled "An act authorizing the construction of plank, Macadamized and gravel roads," approved May 12, 1852, and acts supplemental thereto.

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Brown, Cave, Chapman, Collett, Daggy, Dwiggins, Glessner, Gooding, Haworth, Hough, Hubbard, Miller, Oliver, Rhodes, Ringo, Scott, Steele, Stroud, Taylor, Thompson, Williams and Winterbotham—26.

Those who voted in the negative were, Messrs. Bird, Boone, Bowman, Bunyan, Carnahan, Daugherty, Francisco, Friedley (of Lawrence,) Gregg, Howard, O'Brien, Sarnighausen and Slater—13.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Gooding moved to take up engrossed House bill No. 198.

Mr. Dwiggins moved to amend by taking up Senate bills on a second reading.

Which was agreed to.

Senate bill No. 232—a bill to regulate the sale of mineral oils and other substances for illuminating purposes.

Which was read a second time.

Mr. Gooding moved to lay the bill on the table.

Messrs. Daugherty and Gregg demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Brown, Bunyan, Daggy, Dwiggins, Friedley (of Lawrence), Gooding, Haworth,

Howard, O'Brien, Oliver, Ringo, Sarnighausen, Scott, Steele, Stroud and Thompson—16.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Boone, Bowman, Carnahan, Chapman, Collett, Daugherty, Gregg, Hough, Hubbard, Miller, Rhodes, Slater, Smith, Williams and Winterbotham—19.

So the motion to lay on the table was not agreed to.

Mr. Howard moved to take up engrossed House bill No. 272.

Which was agreed to.

Engrossed House bill No. 272—a bill to regulate the sale of mineral oils and other substances for illuminating purposes—was read a second time.

Mr. Hall offered the following amendment: The provisions of this act shall not apply to any city or town where an inspector is appointed under the law, approved March 9, 1863, an act to provide for the inspection, etc. Page 370, G. and H. vol. 3.

Mr. Daugherty moved to lay the amendment on the table.

Which was agreed to, and the bill ordered engrossed.

Mr. Hall submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills report that they have this day presented to the Governor for his approval the following engrossed Senate bills:

Senate bill No. 50—a bill to correct and define more correctly the boundary lines between the counties of Washington and Clark, approved June 7, 1852, and declaring an emergency. Also,

Senate bill No. 69—a bill to authorize and empower cities incorporated under any general law of this State for the incorporation of cities, and owning real estate, to sell and convey the same, in whole or in parcel, as the common council of such city or cities may deem expedient, and prescribing in what manner the same may be conveyed, and declaring an emergency. Also,

Senate bill No. 10—a bill to amend section fifty-eight of an act entitled “An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers, rights and the manner in which they shall exercise the same, and to repeal such other matters as properly pertain thereto,” approved March 19, 1867, and declaring an emergency. Also,

Senate bill No. 156—a bill to authorize cities constructing water works to issue bonds and dispose of the same in aid of the construction of such water works. Also,

Enrolled Senate Joint Resolution No. 12—a joint resolution conferring the purchase of additional grounds whereon to erect a new State House.

Mr. Dittemore moved to take up engrossed House bill No. 404.

Which was agreed to.

Engrossed House bill No. 404—a bill authorizing cemetery companies to own, purchase or construct horse railways, or to hold and own stock in horse railway companies—was read a first time, and referred to the Committee on Railroads.

Mr. Dwiggins moved to suspend the order of business, and take up Senate bill No. 302.

Messrs. Gooding and Smith demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Boone, Brown, Bunyan, Carnahan, Chapman, Collett, Daugherty, Dittemore, Dwiggins, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Hall, Haworth, Hough, Howard, Hubbard, Miller, Oliver, Ringo, Slater, Williams and Winterbotham—26.

Those who voted in the negative were, Messrs. Beeson, Beggs, Bird, Bowman, Cave, Francisco, Gooding, Rosebrugh, Scott, Smith, Steele, Stroud and Wadge—13.

So the motion was agreed to and Senate bill No. 302—an act to make general indexes of deeds and mortgages evidence in cases.

Which was read a second time by title.

Mr. Dwiggins moved to suspend the constitutional rule, requiring billsto be read on three several days, and read the bill a third time now.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dwiggins, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Hall, Haworth, Hough, Howard, Hubbard, Miller, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Smith, Steele Stroud, Taylor, Thompson, Williams and Winterbotham—38.

Messrs. Bird and Gregg voting in the negative—2.

So the constitutional rule was suspended and Senate bill No. 302—an act to make general indexes of deeds and mortgages evidence in certain cases, was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Beggs, Boone, Bowman, Brown, Bunyan, Carnahan, Collett, Daggy, Daugherty, Dwiggins, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Haworth, Hough, Howard, Hubbard, Miller, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Steele, Stroud, Taylor, Thompson, Williams and Winterbotham—36.

Messrs. Bird, Cave and Smith voting in the negative—3.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

On motion Engrossed House bill was taken up and placed on the calander.

Mr. Steele offered the following resolution :

Resolved by the General Assembly of the State of Indiana, That the Treasurer of State be instructed to obtain a policy of insurance on the law library of the supreme court, to amount equal to at least two-thirds the actual worth of said library. Said policy to be obtained from some good solvent company, and be paid for out of any money not otherwise appropriated.

Which was adopted.

Mr. Thompson submitted the following report :

MR. PRESIDENT :

The Committee on the Phraseology, arrangement of bills and enrolled bills, have carefully compared the following bills and find them correctly enrolled :

Senate bills Nos. 277, 276 and 299..

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled acts, to-wit :

Of the Senate No. 170—an act making an appropriation to Purdue University, etc.

Of the Senate No. 254—an act to amend section sixty of an act entitled “An act to repeal all general laws now in force for the incorporation of cities,” etc.

And the same are herewith returned to the Senate for the signature of the President thereof.

I am also directed to inform the Senate that the House has passed the following bills, to-wit :

Engrossed House bill No. 503—a bill regulating the convening and adjournment of grand juries.

Also engrossed House bill No. 476—a bill relating to prosecutions by affidavit and information.

And the same are herewith transmitted to the Senate for its action thereon.

Also Senate bill No. 106—a bill to prosicribе the qualification of petit jurors in the several courts of this State.

And the same is herewith returned to the Senate.

Mr. Brown moved that the Senate adjourn until to-morrow morning 9:30 o'clock.

Which was not agreed to.

Mr. Scott moved to take up enrolled House bill No. 178.

Which was agreed to.

Engrossed House bill No. 198—a bill to amend sections fifteen, nineteen, thirty-one and forty-nine of an act approved May 12, 1869, entitled "An act providing for the organization of savings banks, and the safe and proper management of their affairs."

Mr. Dwigginс moved to recommit the bill to a special committee to consist of Messrs. Hubbard, Scott and Daugherty, with instructions to strike out all in regard to trustees loaning money.

Which was agreed to.

Mr. Thompson moved to take up Engrossed Senate bill No. 239.

Which was agreed to.

Engrossed Senate bill No. 239—a bill authorizing incorporated cities containing a population of thirty thousand to make loans and prescribing rules and regulations concerning the borrowing of money by such cities.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dwigginс, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gregg, Hall, Haworth, Hubbard, Miller, Oliver, Ringo, Scott, Slater, Steele, Stroud, Thompson and Wadge—30.

Those who voted in the negative were, Messrs. Bird, Sarnighausen, Smith and Williams—4.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Mr. Thompson moved to strike out the words "thirty," and insert "fifteen."

Which was adopted.

The question then being shall the title as amended stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill?

Mr. Gregg moved that when the Senate adjourns it be until 9:30 o'clock on to-morrow.

Which was agreed to.

The President announced that he had signed Enrolled act of the Senate No. 254.

Engrossed House bill No. 530—a bill to raise revenue for State purposes for the years 1873 and 1874.

Which was read a first time and referred to the Committee on Finance.

Mr. Brown moved that the Senate do now adjourn.

Which was not agreed to.

Mr. Collett moved to take up Engrossed House bill No. 456.

Which was agreed to.

Mr. Collett moved to suspend the constitutional rule requiring bills to be read on three several days and read the bill a second time by title, considered engrossed, read a third time and put upon its passage.

The ayes and noes being taken under the rule.

Those who voted in the affirmative were: Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dwiggin, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Gregg, Hall, Haworth, Hough, Hubbard, Miller, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—40.

No Senator voting in the negative, the constitutional rule was suspended.

Engrossed House bill No. 456—a bill for an act to amend the charter of the town of Clinton, granting to the board of trustees of said town certain powers, and legalizing certain acts of said president and trustees of said town, was read a second time by title and a third time by sections.

The question being shall the bill pass.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Dwiggin, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Gregg, Hall, Haworth, Hubbard, Miller, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Smith, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—35.

Mr. Brown voting in the negative.

So the bill passed.

The question being shall the title as read stand as the title of the bill.

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Carnahan moved that the Senate do now adjourn, which was not agreed to.

Mr. Hubbard, from a select committee, reported back Engrossed

House bill No. 189, and moved that the bill be put upon its passage.

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Brown, Bunyan, Chapman, Collett, Daggy, Dwiggins, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Hall, Haworth, Hough, Hubbard, Miller, Oliver, Ringo, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—33.

Those who voted in the negative were, Messrs. Boone, Bowman, Carnahan and Cave—4.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

On motion by Mr. Chapman the Senate adjourned until tomorrow morning, 9:30 o'clock a. m.

LEONIDAS SEXTON,
President of the Senate.

THURSDAY MORNING.

MARCH 6, 1873, 9:30 O'CLOCK.

Senate met.

On motion by Mr. Glessner, the reading of the journal of yesterday was dispensed with.

Mr. Miller moved to take up engrossed House bill No. 534.

Which was agreed to.

Mr. Miller moved to suspend the constitutional rule requiring bills to be read on three several days, and read engrossed House bill No. 534 a second time by title, and a third time by sections.

The ayes and noes being taken under the rule.

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Collett, Carnahan, Cave, Dittemore, Daggy, Dwiggin, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gregg, Hall, Haworth, Hough, Howard, Hubbard, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Smith, Steele, Stroud, Wadge, Williams and Winterbotham—34.

No Senator voting in the negative.

So the constitutional rule was suspended, and engrossed House bill No. 534—a bill legalizing the assessment and collection of the municipal taxes, for the years 1871 and 1872, of the town of Somerset, in Wabash county, was read a second time by title and a third time by sections.

So the question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Smith, Steele, Stroud, Taylor, Wadge, Williams and Winterbotham—37.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED, That the Secretary inform the House of the passage of the bill.

Mr. Glessner moved to make Engrossed House bills Nos. 503, 256 and 473, a special order for 2 o'clock p. m. this day.

Which was agreed to.

S. J.—58

Message from the House by Mr. Nixon, clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following bill to-wit:

Engrossed House bill No. 256—a bill in relation to the order of business in the circuit courts, and giving the court the power to empanel juries in certain cases, and the same is herewith submitted to the Senate for its action thereon.

I am also directed by the House of Representatives to inform the Senate that the House has concurred in Senate amendment to House bill No. 144.

Mr. Ringo introduced Senate Joint Resolution No. 19—a joint resolution authorizing the Auditor of State to sell and convey the State's interest in certain real estate therein described.

Which was referred to the Committee on the Judiciary.

Mr. Strod moved to take up Engrossed House bill No. 144.

Which was agreed to.

Mr. Stroud moved to suspend the constitutional rule requiring bills to be read on three several days, and read the bill a second time by title, and a third time by sections.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Collett, Daggy, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—40.

No Senator voting in the negative.

So the constitutional rule was suspended and Engrossed House bill No. 444—a bill relating to the sale and conveyance of the property heretofore owned and occupied as a county jail, county seat,

and court house of Perry county, State of Indiana, situated at the town of Rome in said county and State.

Which was read a second time by title and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Collett, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Gregg, Hall, Haworth, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—40.

Messrs. Hough and Sleeth voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Williams moved to take up Engrossed House bill No. 303

Which was agreed to.

Mr. Williams moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill be read a second time by title and a third time by sections now.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Collett, Daggy, Dwiggin, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Gregg, Hall, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Scott, Sleeth, Steele, Taylor, Thompson, Wadge, Williams and Winterbotham—38.

No Senator voting in the negative.

So the constitutional rule was suspended, and engrossed House bill No. 303—a bill to amend sections two and six of an act entitled “An act providing for a geological survey, and for the collection and preservation of a geological and mineralogical cabinet of the natural history of this State, and creating the office of State geologist, defining his duties, fixing his salary, and appropriating a sufficient amount of money to defray the necessary expenses of said survey, and the collection and preservation of said cabinet.

Which was read a second time by title and a third time by sections.

Mr. Friedley, of Lawrence, moved to recommit the bill to the Committee on Finance, with instructions to strike out \$3,000.00, and insert \$2,500.00.

Mr. Williams moved to lay the motion on the table.

Messrs. Friedly, of Lawrence, and Hough demanded the ayes and noes,

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Bunyan, Carnahan, Cave, Collett, Daggy, Dittemore, Dwiggin, Fuller, Francico, Glessner, Gooding, Hall, Howard, Hubbard, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge and Williams—30.

Those who voted in the negative were, Messrs. Beardsley, Boone, Brown, Daugherty, Friedley (of Scott), Friedley (of Lawrence), Haworth, Hough, Miller, Neff, Rosebrugh, Slater and Winterbotham—13.

So the motion to lay on the table was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Bowman, Brown, Bunyan, Carnahan, Cave, Collett, Daggy, Dittemore, Dwiggin, Francisco, Glessner, Gooding Hall, Haworth, Hough, Howard, Hubbard, Miller, Oliver,

Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge and Williams—35.

Those who voted in the negative were, Messrs. Boone, Daugherty, Friedley (of Scott), Friedley (of Lawrence), Neff, Rosebrugh, Slater and Winterbotham—8.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED, That the Secretary inform the House of the passage of the bill.

Mr. Hough moved to suspend the order of business and take up Senate bills on a third reading.

Which was agreed to.

• Mr. Hall moved to take up Engrossed House bill No. 261.

Which was agreed to.

Mr. Brown moved to consider the bill read a first time and that it be referred to a select committee of three.

Which was agreed to.

The President announced as such committee, Messrs. Brown, Neff and Gregg.

By unanimous consent of the Senate Mr. Scott submitted the following report:

MR. PRESIDENT:

The committee of the two Houses of the General Assembly appointed to prepare an act for the purpose of preparing plans, specifications and estimates for a new State House, have had that matter under advisement, and have directed me to report the following act, Senate bill No. 343: A bill providing for the procuring of plans, specifications and estimates for a new State House, and making appropriations, and other matters connected therewith.

Which was read a first time and referred to Committee on Public Buildings.

Mr. Glessner moved to take up Engrossed House bill No. 411.

Which was agreed to.

Mr. Glessner moved to suspend the constitutional rule requiring bills to be read on three several days, and read the bill a second time by title and a third time by sections now.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Collett, Daggy, Dittemore, Dwiggins, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Haworth, Hubbard, Miller, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Slater, Smith, Steele, Thompson, Wadge and Williams—35.

Those who voted in the negative were, Messrs. Hall, Hough, Howard and Neff—4.

So the constitutional rule was suspended.

Engrossed House bill No. 411—a bill to amend section forty-four of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865.

Which was read a second time by title and a third time by sections.

By unanimous consent, Mr. Glessner offered the following amendment: Strike out of the fourth line, in the first section, the words "which reads," and insert in lieu thereof "be amended."

Which was adopted.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Collett, Daggy, Daugherty, Dwiggin, Francisco, Friedley (of Scott), Glessner, Gooding, Gregg, Hall, Haworth, Howard, Hubbard, Miller, Oliver, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Taylor, Thompson, Wadge and Williams—36.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill?

Message from the House, by Mr. Nixon, Clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following bills, to-wit:

Engrossed House bill No. 531—a bill making general appropriations for the years one thousand eight hundred and seventy-three, and one thousand eight hundred and seventy-four.

Engrossed House bill No. 535—a bill making specific appropriations for the year one thousand eight hundred and seventy-three.

And the same are herewith submitted to the Senate for its action thereon.

Mr. Steele submitted the following report:

MR. PRESIDENT:

The committee to whom was referred joint resolution No. 17—a joint resolution authorizing the payment of a lost certificate of State stock No. 956, to Etienne Lion Arnold, of Paris, France, have had the same under advisement, and beg leave to report that they suppose the only reason for referring said resolution to the Judiciary Committee was to obtain the legal opinion of the com-

mittee as to whether the claim should be allowed and paid upon the case presented upon the face of the resolution, upon which they report as follows:

First. The resolution shows that payment is sought upon a lost certificate of stock without showing when, where or how lost.

Second. It does not show that any search has been made for the lost instrument, nor does it *give*, or *pretend to give*, any copy of the lost instrument.

In the *third* place, the resolution shows that the claimant has tendered to the State a bond of indemnity with certain sureties beyond the jurisdiction of the State, wholly unknown to the committee; *therefore*, in view of the premises, the committee returns the resolution, with the recommendation that the claim be allowed, and that the committee be discharged from further consideration of the same.

Which was concurred in.

The President announced that he had signed enrolled act of the Senate No. 170.

Mr. Taylor submitted the following report:

MR. PRESIDENT:

The Committee on Finance, to whom was referred House bill No. 504—a bill supplemental and amendatory of an act entitled, "An act to provide a uniform assessment of property and for the collection and return of taxes thereon," approved December 21, 1872, have had the same under consideration, and ask leave to report the same back to the Senate with the accompanying amendments. Amend section 1 as follows:

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That each person or tax-payer charged with taxes on a tax duplicate in the hands of a county treasury may pay the full amount of such taxes on or before the third Monday in April; or may, at his option, pay one-half thereof on or before the said third Monday in April and the remaining half on or before the 15th day of November following; *Provided*, however that all road taxes so

charged shall be paid prior to the 15th day of November in the manner prescribed by law, and *provided further*, that all cases where as much as one-half of the amount of tax charged against a taxpayer shall not be paid on or before the third Monday in April the whole amount charged shall become due and be returned delinquent and collected as provided by law, and *provided further*, that the provisions of sections one, two and three of this act shall not apply to the tax for the year 1872, amend by striking out section four. Amend section five so as to read as follows :

Sec. —. That section 159 of said act be amended to read as follows :

The several county treasurers be and are hereby required immediately after their April settlement with the county auditor either in person or by deputy, to call upon every delinquent taxpayer in their respective counties, and if necessary to distrain property for the collection of such delinquent tax together with the per centum damage and the costs and charges that may accrue. The said treasurer shall, on the 15th day of November, make settlement with the county auditor for the amount of such delinquent tax for which said treasurer is to stand charged. Said settlement in all respects to be made and certified in such manner as the Auditor of State shall direct, and it shall be the duty of the county auditor to forward a certified copy of such settlement forthwith to the Auditor of State; *Provided*, that the county auditor shall not be authorized to credit the treasurer with any uncollected delinquency unless such treasurer shall show by proper returns verified by his oath or affirmation that he has in each case for which he claims credit diligently sought for and has been unable to find any property from which to collect such tax or that property was levied upon, offered for sale and failed to sell, or having made a levy he was enjoined or otherwise prevented from making sale or collection by a court of competent jurisdiction; and *provided further*, that in all cases where property shall fail to sell for want of bidders the county treasurer shall have power to remove said property to some other township in the county and reoffer the same as in the first instance.

Amend by adding the following :

Sec. —. Any corporation, whether foreign or domestic, firm or

individual, engaged in the business of transporting or carrying passengers or freight, on any railroad in the State of Indiana, upon any contract or agreement with such railroad company, shall, in the months of January and July of each year, report to the Auditor of State. In the case of a corporation, under oath of the president or secretary or other principal officers, the gross amount of all receipts received in the State of Indiana, on account of the transportation of passengers or freight for the six months last preceding, ending on the last days of December and June, and shall, at the time of such report, pay into the treasury of the State the sum of three dollars on every one hundred dollars of such receipts received for transporting freight. In case such business is carried on by persons or individuals, such report and payment shall be made by the individuals, or some one of them engaged in such business, and provided that when amounts shall be received by such corporations, company, firm or individual, whether received within or without the State, and being for passenger fare or other transportation, and a part of such receipts shall be on account of fare or transportation over road within this State, in such case said president and secretary, or other officers or individuals, shall be required to report such proportion of the amount of such receipts as the distance traversed in the State bears to the whole distance paid for: *Provided*, that the provisions of this section shall not apply to any company owning and operating a railroad within this State.

SEC. —. Any company, corporation, firm or individuals, engaged in such business, failing or refusing, for more than thirty days, to render an accurate account of the receipts as herein provided, and to pay the required tax thereon, shall forfeit one hundred dollars for each additional day such report and payment shall be delayed, to be recovered in the name of the State of Indiana, and on the relation of the Auditor of State in any court of competent jurisdiction.

SEC. —. Every insurance company, not organized under the laws of this State, and doing business therein, shall, in the months of January and July of each year, report to the Auditor of State, under oath of the president and secretary, the gross amount of all receipts received in the State of Indiana, on account of insurance premium, for the six months last preceding, ending on the last days of December and June of each year, and shall, at the time of such

report, pay into the treasury of the State the sum of three dollars on every one hundred dollars of such receipts, less losses actually paid within the State.

SEC. — Any such insurance company failing or refusing for more than thirty days to render an accurate account of its premium receipts as in the preceding sections provided, and pay the required tax thereon, shall forfeit one hundred dollars for each additional day such report and payment shall be delayed, to be recovered in the name of the State of Indiana on the relation of the Auditor of State, in any court of competent jurisdiction, and it shall be the duty of the Auditor of State to revoke all authority of any such defaulting company to do business within this State. And when adopted would recommend its passage.

Which was concurred in.

Mr. Taylor moved to suspend the constitutional rule requiring bills to be read on three several days, and read the bill a second time by title and a third time by sections now.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Collett, Daugherty, Dittimore, Dwiggin, Francisco, Friedley (of Scott), Friedley of Lawrence), Glessner, Gooding, Gregg, Hall, Haworth, Howard, Miller, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson and Williams—38.

No Senator voting in the negative.

So the constitutional rule was suspended, and engrossed House bill No. 504—a bill supplementary and amendatory of an act entitled “An act to provide a uniform assessment of property and for the collection and return of taxes thereon,” approved December 21, 1872—was read a second time by title, and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were Messrs. Armstrong

Beardsley, Beeson, Bird, Bowman, Bunyan, Carnahan, Cave, Chapman, Daggy, Daugherty, Fuller, Friedley (of Scott), Glessner, Gooding, Hall, Haworth, Miller, Oliver, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Stroud, Taylor, Wadge and Williams—30.

Those who voted in the negative were, Messrs. Boone, Brown, Collett, Dittmore, Dwiggins, Friedley (of Lawrence), Gregg, Howard, Hubbard, Neff, Smith, Steele and Winterbotham—13.

So the bill passed.

The question being shall the title as read stand as the title of the bill.

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Neff submitted the following report:

MR. PRESIDENT:

The Engrossing Committee to whom was referred Senate bill¹ No. 208, defining the mode of proceedings in criminal cases, defining felonies and misdemeanors, etc., would report that the said committee has carefully examined the same, and find it correctly engrossed.

Mr. Neff submitted the following report:

MR. PRESIDENT:

The committee to whom was referred Senate bill No. 297, making it unlawful for any person who may have control of any saloon where intoxicating liquors are kept for sale to allow persons under the age of twenty-one to loaf or congregate about such saloon, would report that the same has been carefully examined, and find it correctly engrossed.

Mr. Neff submitted the following report:

MR. PRESIDENT:

The Engrossing Committee, to whom was referred Senate bill

No. 267, requiring license for exhibitions for any menagerie, ventriloquism, concert or theatrical performance, and license to vend spirituous liquors in any incorporated town, would report that said committee have carefully examined the same and find it correctly engrossed.

Mr. Neff submitted the following report:

MR. PRESIDENT:

The Engrossing Committee, to whom was referred Senate bill No. 139, to enable railroad companies to alter their lines of road, report that the said committee has carefully examined it, and find it correctly engrossed.

Mr. Neff submitted the following report:

MR. PRESIDENT:

The Engrossing Committee, to whom was referred Senate bill No. 306, providing for the organization of incorporated companies to lay out and build towns or additions thereto, have carefully examined the same, and find it correctly engrossed.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills have had under consideration and find correctly enrolled the following bills:

Enrolled House act No. 8; Enrolled House act No. 144; Enrolled House act No. 55; and Enrolled House act No. 489.

Mr. Steele moved to take up House bill No. 528.

Which was agreed to.

Mr. Steele moved to suspend the constitutional rule requiring bills to be read on three several days, and read a first and second time by title, and a third time by sections.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were Messrs. Armstrong,

Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Chapman, Daggy, Dittemore, Dwiggin, Fuller, Friedley (of Lawrence), Glessner, Gooding, Gregg, Haworth, Hubbard, Miller, Oliver, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Smith, Steele, Stroud, Taylor, Wadge, Williams and Winterbotham—34.

Mr. Hough voting in the negative.

So the constitutional rule was suspended, and Engrossed House bill No. 528—a bill concerning the employment of short-hand reporters, regulating their duties, and providing that the original long hand manuscript report of evidence may be used on appeal in certain cases, was read a first and second time by title, and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dwiggin, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Wadge, Williams and Winterbotham—43.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?.

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Sleeth submitted the following report:

MR. PRESIDENT:

The Committee to whom was referred sundry claims, have had the same under consideration, and recommend that the following

be allowed: Walter Evart, \$9.90; J. V. Blount, \$11.40; J. W. Russey, \$12.90; G. W. Hawk, \$9.90; A. Manning, \$8.40; E. L. Graves, \$9.90; W. H. C. Hatfield, \$12.90; J. A. Gilbert, \$14.90; H. C. Klein, \$11.40; G. W. Taylor, \$14.90; L. P. Evert, \$9.90; W. W. Walker, \$11.40; S. A. Wilson, \$11.40; S. F. Brady, \$11.40; J. T. Robinson, \$9.90; G. W. Robinson, \$8.40; W. N. Jackson, \$11.40; C. W. Riggs, \$12.00; W. J. Faulkner, \$14.10; J. Faulkner, \$14.10; A. L. Kirkwood, \$11.10; J. S. Regdon, \$17.10; G. Benoy, \$8.40; David Neal, \$11.30; James Alexander, \$8.40; D. V. Buchanan, \$9.90; A. D. Williams, 11.10; Joseph Henton, \$9.50; A. L. Wilson, \$11.40; J. L. Fears, \$15.00; J. K. Ewin, \$8.40; J. Jones, \$5.00; J. Abrams, \$5.00.

Which was concurred in.

Mr. Sleeth submitted the following report:

MR. PRESIDENT:

The Committee on Claims, to whom was referred a list of claims from various citizens, have considered the same, and recommend that the following be disallowed, from the fact that they were not received twenty days before the close of the Senate as per resolution to that effect: Frank Black, \$9.00; Milton Black, \$10.80; John Nelson, \$7.00; E. W. Meniffee, \$8.50; A. L. Branson, \$8.50; J. W. McGraw, \$9.60; D. Harris, \$9.30.

Which was concurred in.

Mr. Collétt submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills have had under consideration and find correctly enrolled the following bill: Senate Enrolled Act No. 169—an act authorizing the organization of voluntary associations and prescribing their duties and powers.

Senate bill No. 229—a bill to legalize the acts of the town trustees and other officers of the town of Cicero.

Which was read a third time.

The question being shall the bill pass.

Those who voted in the affirmative were, Messrs. Beardsley, Bunyan, Chapman, Collett, Daggy, Dwiggins, Fuller, Friedley (of Scott), Gooding, Hall, Howard, Hubbard, Neff, Oliver, Rhodes, Sarnighausen, Scott, Steele, Taylor and Wadge—20.

Those who voted in the negative were, Messrs. Beeson, Bird, Boone, Bowman, Brown, Carnahan, Cave, Daugherty, Dittemore, Francisco, Friedley (of Lawrence), Gregg, Haworth, Hough, Miller, Ringo, Rosebrugh, Slater, Smith, Stroud and Williams—21.

So the bill failed to pass for want of a constitutional majority.

On motion by Mr. Brown, the Senate took a recess until two o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled at two o'clock.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled bills report that they have this day presented to the Governor Senate bill No. 170 for his approval—an act making an appropriation to Purdue University, and declaring an emergency.

Also Senate Enrolled act No. 254—an act to amend section sixty of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights," etc.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following bills, to-wit:

Senate bill No. 155—a bill to provide for the reimbursement to certain counties therein named of certain taxes illegally assessed

and collected for the year 1869 and paid into the State Treasury, and declaring an emergency.

Engrossed Senate bill No. 278—a bill to amend section fifty-three of an act entitled, “An act to repeal all general laws now in force for the incorporation of cities,” etc.

Engrossed Senate bill No. 305—a bill to incorporate trustees selected by any religious society for educational, benevolent or charitable purposes, etc.

Engrossed Senate bill No. 48—a bill to amend sections one, seven and eight of an act entitled, “An act to establish a home for the maintenance of sick and disabled Indiana soldiers, etc., and the same are herewith returned to the Senate.

Also that the House has passed the following bill, to-wit :

Engrossed House bill No. 508—a bill to make further provision for the care and treatment of the insane of the State, and the same is herewith submitted to the Senate for its action thereon.

I am also directed to inform the Senate that the House has passed, with the accompanying engrossed amendments of the House thereto attached, Senate bill No. 294, and the Senate is respectfully requested to concur in said amendments.

Engrossed amendments of the House to Senate bill No. 294 : Amend by striking out section three. Amend by changing the numbers of the sections following section three, so as to correspond with the preceding amendment.

I am also directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled acts, to-wit : Enrolled act No. 8 (House of Representatives)—an act to prevent hunting and shooting on inclosed lands without the consent of the owner or occupant thereof, and providing a penalty therefor.

Enrolled Act No. 55 (House of Representatives)—an act to amend an act entitled “An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, etc.

Enrolled act No. 144 (House of Representatives)—an act to provide for the crossing of railroads, the keeping in repair such crossings, and providing for the expenses thereof.

Enrolled Act No. 489 (House of Representatives)—an act to amend section five of an act entitled "An act to incorporate the town of Huntington," approved February 16, 1848.

Enrolled Act No. 87 (House of Representatives)—an act to amend an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named," etc.

Enrolled Act No. 355 (House of Representatives)—an act authorizing the auditing of Scott and Wayne counties, to correct the reports made to the Superintendent of Public Instruction," etc., etc.

And the same are herewith transmitted to the Senate for the signature of the President thereof.

Mr. Bird moved to take up Senate bill No. 263.

Which was agreed to.

Mr. Bird moved to suspend the constitutional rule requiring bills to be read on three several days and read the bill a second time by title and a third time by sections.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were Messrs. Beardsley, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dwiggins, Fuller, Francisco, Friedley (of Scott), Glessner, Gooding, Gregg, Haworth, Hough, Howard, Hubbard, Miller, Neff, Ringo, Sarnighausen, Scott, Slater, Steele, Stroud, Taylor, Wadge and Williams—34.

No Senator voting in the negative.

So the constitutional rule was suspended and Senate bill No. 263—a bill vesting the inchoate claim of a wife in the real estate of her husband in certain cases and defining her rights in the

same, was read a second time by title and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Beeson, Bird, Boone, Bowman, Brown, Cave, Dittemore, Francisco, Glessner, Gooding, Gregg, Hall, Haworth, Hough, Miller, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Smith, Steele, Stroud, Taylor and Winterbotham—27.

Those who voted in the negative were, Messrs. Bunyan, Carnahan, Collett, Chapman, Daggy, Dwiggins, Fuller, Howard, Hubbard and Slater—10.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Steele submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 336—a bill to fix and determine the boundary line between the States of Indiana and Kentucky, above and near Evansville, have had the same under consideration, and direct me to report the same back recommending that all of said bill be struck out after the enacting clause, and the following substituted in place thereof, and that the bill when amended do pass:

Be it enacted by the General Assembly of the State of Indiana, That the Governor be, and he is hereby empowered and directed to select a commissioner, who shall be a resident of the State of Indiana and a practical surveyor, who shall act with a similar commissioner to be appointed by the State of Kentucky, and the two commissioners so selected shall make a survey of the line dividing said States, beginning at the head of the said Green river, near and opposite to the mouth of Green river, and running down the Ohio river to the lower end of said island.

SEC. 2. In running said line, the said commissioners shall consult and be governed by the survey originally made by the government of the United States, when such surveys are not inconsistent with each other; and they shall establish and mark proper monuments along the line, whereby the same may be plainly indicated and perpetuated.

SEC. 3. Within ten days after making such survey and establishing said line, said commissioners shall reduce the same to unity, giving a full and plain description of all the courses and distances and of the marks and monuments made and established, and sign and acknowledge the same before some officers authorized to take acknowledgments of deeds, which writing so acknowledged shall be recorded in the recorder's office in the counties of Vanderburgh and Warwick, and the original filed in the office of the Secretary of State; and such unity, or the records thereof, shall be conclusive evidence, in any of the courts of this State, of the boundary line between the States of Indiana and Kentucky, between the points on said Green River Island heretofore indicated.

SEC. 4. There is hereby appropriated out of the moneys of the State, in the hands of the treasurer, a sum not exceeding two hundred and fifty dollars, to pay for making said survey. After rendering the services provided for in this act, the commissioners shall make proof to the Judge of the Circuit Court for Vanderburgh county of the value thereof, to which the said judge shall certify, and upon the presentation of such certificate, the Treasurer of State shall pay to said commissioners the amount so certified to, not exceeding the said sum of two hundred and fifty dollars.

SEC. 5. Whereas an emergency exists for the immediate taking effect of this act, the same shall be in force from and after its passage.

Which was concurred in.

Mr. Slater moved to take up engrossed House bill No. 410.

Which was not agreed to.

SPECIAL ORDER.

The hour of 2:30 o'clock p. m. having arrived, being the hour fixed for the consideration of engrossed House bills Nos. 503, 256 and 476, they were taken up.

Engrossed House bill No. 503—a bill regulating the convening and adjournment of grand juries.

Which was read a first time.

Mr. Glessner moved to suspend the constitutional rule requiring bills to be read on three several days and read the bill a second time by title and a third time by sections now.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Collett, Daggy, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Haworth, Hough, Howard, Hubbard, Miller, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Steele, Stroud, Wadge and Winterbotham—34.

Messrs. Hall and Neff voting in the negative.

So the constitutional rule was suspended, and the bill read a second time by title.

Mr. Brown offered the following amendment: Strike out the word "once," and insert the word "twice."

Which was adopted.

Engrossed House bill No. 503—a bill regulating the convening and adjournment of grand juries.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Collett, Daggy, Dwiggin, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Steele, Stroud, Taylor, Wadge, Williams and Winterbotham—39.

Mr. Smith voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed House bill No. 256—a bill in relation to the order of business in the circuit courts and giving the court power to empanel juries in certain cases.

Which was read a first time.

Mr. Glessner moved to suspend the constitutional rule requiring bills to be read on three several days and read the bill a second time by title and a third time by sections.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Collett, Daggy, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Wadge and Winterbotham—38.

No Senator voting in the negative.

So the constitutional rule was suspended, and Engrossed House bill No. 256—a bill in relation to the order of business in the circuit courts and giving the court power to empanel juries in certain cases, was read a second time by title and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Chapman, Cave, Collett, Daggy, Dwiggin, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Wadge and Winterbotham—37.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed House bill No. 476—a bill relating to prosecutions by affidavit and information.

Which was read a first time.

Mr. Glessner moved to suspend the constitutional rule requiring bills to be read on three several days and read the bill a second time by title and a third time by sections.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Collett, Daggy, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Smith, Sleeth, Stroud, Wadge and Winterbotham—39.

No Senator voting in the negative.

So the constitutional rule was suspended, and the bill read a second time by title.

Mr. Brown offered the following amendment:

Amend the bill by striking out the words "all offences," in line 5, section one, and insert in lieu thereof the word "misdemeanors."

Also amend said section by striking out the words, "offenses, whether felonies or."

Also amend said section by striking out the words, "and information," in lines six and seven.

Which was adopted.

Mr. Brown offered the following amendment: Amend section two by striking out the words, "but such prosecutions may be by indictment or information, as provided by law."

Which was adopted.

Engrossed House bill No. 476—a bill relative to prosecutions by affidavits and information.

Which was read a third time.

The question being, shall the bill pass.

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Daggy, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Glessner, Gooding, Gregg, Hall, Haworth, Hough, Howard, Hubbard, Miller, Neff, Rhodes, Ringo, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Wadge, Williams and Winterbotham—36.

Mr. Cave voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Mr. Brown moved to amend the title by striking out the word "information" and insert "indictment."

Which was adopted.

The question being, shall the title as amended stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Smith submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled bills have had under consideration and find correctly enrolled the following bills:

Senate Enrolled Act No. 106—an act to prescribe the qualification of petit jurors in the several courts of this State.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following bills, to-wit:

Engrossed House bill No. 524—a bill to authorize railroad companies, organized under the laws of the State of Indiana, to make contracts for the use of their track by the trains of each other, and to ratify bona fide contracts for such purposes heretofore made.

And the same is herewith transmitted to the Senate for its action thereon.

Also Senate bill No. 117—a bill regulating the granting of divorces, nullification of marriages and decrees and orders of Courts incident thereto, and repealing all laws conflicting with this act, and declaring an emergency.

And the same is herewith submitted to the Senate.

I am also directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled acts, to-wit:

Enrolled Act No. 169, Senate—an act authorizing the organization of voluntary associations, and prescribing their duties and powers.

Enrolled Act No. 264, Senate—an act to amend the fourth, fifth, twenty-sixth, thirty-fifth, forty-third and fifty-eighth sections of an act entitled “An act granting to the citizens of the town of Evansville, in the county of Vanderburgh, a city charter,” approved January 27, 1847.

Mr. Oliver submitted the following report:

MR. PRESIDENT:

The Committee to whom was referred Senate bill No. 343 have

had the same under consideration and report the same back and recommend that it do pass.

Which was concurred in.

Mr. Taylor submitted the following report :

MR. PRESIDENT :

The Committee on Finance, to whom was referred House bill No. 530—a bill to raise revenue for State purposes for the years 1873 and 1874, have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it pass.

Which was concurred in.

Mr. Taylor moved to take up Engrossed House bill No. 530.

Which was agreed to.

Engrossed House bill No. 530—a bill to raise revenue for State purposes for the years 1873 and 1874.

Which was read a second time.

On motion the Senate resolved itself into a committee of the whole Senate with Mr. Dittemore in the chair for the consideration of said bill.

The committee arose and Mr. Dittemore submitted the following report:

MR. PRESIDENT :

The committee of the whole Senate have had Engrossed House bill No. 530—a bill to raise revenue for the purposes for the years 1873 and 1874, under consideration and direct me to report the same back with the following recommendation that the bill do pass.

Which was concurred in.

Mr. Chapman offered the following amendment: Amend by striking out "15" wherever it occurs and insert "10."

Mr. Taylor moved to lay the amendment on the table.

Messrs. Chapman and Bunyan demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Boone, Bowman, Brown, Daggy, Daugherty, Dittemore, Friedley (of Scott), Friedley (of Lawrence), Hubbard, Oliver, Sleeth, Steele, Taylor and Williams—17.

Those who voted in the negative were, Messrs. Beardsley, Bunyan, Carnahan, Cave, Chapman, Collett, Dwiggin, Fuller, Francisco, Gooding, Gregg, Hall, Haworth, Hough, Howard, Miller, Neff, Ringo, Sarnighausen, Scott, Slater, Smith, Stroud, Wadge and Winterbotham—25.

So the motion to lay on the table did not prevail.

The question being on the adoption of the amendment.

Mr. Brown moved to amend the amendment by striking out "10" and inserting "8."

Mr. Chapman moved to lay the amendment to the amendment on the table.

Messrs. Brown and Steele demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bunyan, Chapman, Collett, Daggy, Dwiggin, Fuller, Friedley (of Scott), Gooding, Hall, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Ringo, Slater, Sleeth, Stroud, Wadge and Williams—26.

Those who voted in the negative were, Messrs. Bird, Bowman, Brown, Carnahan, Cave, Daugherty, Dittemore, Francisco, Friedley (of Lawrence), Gregg, Rhodes, Scott, Smith, Steele, Taylor and Winterbotham—16.

So the motion to lay on the table was agreed to.

Mr. Chapman moved to amend by striking out "fifteen," and inserting "eleven."

Mr. Friedley, of Lawrence, moved to amend the amendment by striking out "eleven" and inserting "fourteen."

Mr. Gooding moved to lay the amendment to the amendment on the table.

Messrs. Dwiggins and Chapman demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Bird, Boone, Bowman, Brown, Carnahan, Daugherty, Dittemore, Fuller, Gregg, Scott, Slater, Sleeth, Smith, Steele, Taylor, Williams and Winterbotham—18.

Those who voted in the negative were, Messrs. Beardsley, Beeson, Bunyan, Cave, Chapman, Collett, Daggy, Dwiggins, Francisco, Friedley (of Lawrence), Gooding, Hall, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Stroud and Wadge—24.

So the motion to lay on the table was not agreed to.

Mr. Chapman demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question first being, on the adoption of the amendment to the amendment.

Messrs. Hough and Dwiggins demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Bird, Boone, Cave, Daugherty, Dittemore, Friedley (of Lawrence), Gregg, Oliver, Sarnighausen, Scott, Slater, Steele and Williams—14.

Those who voted in the negative were, Messrs. Beardsley, Beeson, Boone, Bowman, Bunyan, Carnahan, Chapman, Collett, Daggy, Dwiggins, Fuller, Francisco, Glessner, Gooding, Hall, Haworth, Hough, Howard, Miller, Neff, Rhodes, Ringo, Sleeth, Smith, Stroud, Taylor, Wadge and Winterbotham—29.

So the amendment to the amendment was not adopted.

The question being on the adoption of the amendment offered by Mr. Chapman.

Messrs. Chapman and Dwiggins demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beeson, Bunyan, Carnahan, Cave, Chapman, Collett, Dwiggins, Francisco, Glessner, Gooding, Hall, Haworth, Hough, Howard, Hubbard, Miller, Neff, Rhodes, Ringo, Scott, Stroud and Mr. President—22

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Bird, Boone, Bowman, Brown, Daggy, Daugherty, Dittemore, Friedley (of Lawrence), Gregg, Oliver, Sarnighausen, Slater, Sleeth, Smith, Steele, Taylor, Wadge, Williams and Winterbotham—21.

So the amendment was not adopted.

On motion the bill was ordered to a third reading on to-morrow.

Mr. Sleeth introduced Senate bill No. 344—a bill to amend section two of an act entitled, "An act to provide for the election of a reporter and a speedy publication of the decision of the supreme court and for compensation of such reporter," approved February 5, 1852.

Which was read a first time.

Mr. Sleeth, moved to suspend the constitutional rule requiring bills to be read on three several days and read the bill a second time by title and considered engrossed and read a third time by sections now.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—44.

No Senator voting in the negative.

So the constitutional rule was suspended and Senate bill No. 344—a bill to amend section two of an act entitled, “An act to provide for the election of a reporter and a speedy publication of the decision of the supreme court and for compensation of such reporter,” approved February 5, 1852, was read a second time by title and considered engrossed and read a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Wadge, Williams and Winterbotham—44.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Taylor presented claim of C. S. Boynton, M. D., for services rendered; W. T. Lockhart, deceased, door-keeper House of Representatives, for \$40.00; W. W. Weaver & Son, for \$120.00.

Which were referred to the Committee on Finance.

Mr. Daggy moved to take up engrossed House bill No. 339.

Which was agreed to.

Engrossed House bill No. 339—a bill defining certain felonies and prescribing punishment therefor.

Which was read a second time.

Mr. Daggy moved to suspend the constitutional rule requiring bills to be read on three several days, and read the bill a third time now.

The ayes and noes being taken under the rule.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Brown, Bunyan, Carnahan, Cave, Chapman, Daggy, Dittemore, Dwiggins, Fuller, Friedley (of Scott), Glessner, Gooding, Gregg, Hall, Haworth, Hough, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Smith, Steele, Taylor and Wadge—33.

Those who voted in the negative were, Messrs. Francisco, Howard, Slater, Stroud and Winterbotham—5.

So the constitutional rule was suspended, and Engrossed House bill No. 339—a bill defining certain felonies, and prescribing punishment therefor, was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Boone, Brown, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggins, Francisco, Friedley (of Scott), Glessner, Gooding, Hough, Hubbard, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Steele, Taylor, Wadge and Williams—29.

Those who voted in the negative were, Messrs. Fuller, Gregg, Haworth, Miller, Slater, Stroud and Winterbotham—7.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

The President announced that he had signed enrolled acts of the House Nos. 87, 355, 489, 144, 55 and 8, and enrolled acts of the Senate Nos. 169 and 264.

Mr. Oliver moved to take up Senate bill No. 343.

Which was agreed to.

Mr. Oliver moved to suspend the constitutional rule requiring bills to be read on three several days, and read the bill a second time by title, consider it engrossed, and read it a third time by sections now.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittimore, Dwiggin, Francisco, Friedley (of Scott), Glessner, Gooding, Gregg, Hall, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Steele, Stroud, Taylor, Wadge, Williams and Winterbotham—40.

Mr. Fuller voting in the negative.

So the constitutional rule was suspended, and Senate bill No. 343—a bill providing for the procuring of plans, specifications and estimates for a new State House, and making an appropriation, and other matters connected therewith.

Which was read a second time by title, and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Collett, Daggy, Daugherty, Dwiggin, Fuller, Francisco, Friedley (of Scott), Glessner, Gooding, Hall, Haworth, Hough, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Steele, Stroud, Taylor, Wadge, Williams and Winterbotham—36.

Senator Cave voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Collett submitted the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled bills have had under consideration and find correctly enrolled the following bills, viz :

House Enrolled bill No. 539—an act to amend the first section of an act entitled, “ An act creating the nineteenth, twentieth and twenty-first judicial circuit,” etc. Also,

House bill No. 138—an act to amend the third section of an act entitled, “ An act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings,” etc. Also,

House bill No. 355—an act authorizing the auditor of Scott and Wayne counties to correct their reports made to the Superintendent of Public Instruction relating to school fund, etc. Also,

House bill No. 87—an act to amend an act entitled, “ An act to provide for a general system of common schools,” etc.

Message from the House by Mr. Nixon, Clerk thereof.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following Enrolled acts to-wit :

Enrolled act No. 138, H. R.—an act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings, etc.

Enrolled act No. 539, H. R.—an act to amend the first section of an act entitled, “ An act creating the nineteenth, twentieth and twenty-first judicial circuit and providing for the election of Judges thereof,” etc.

And the same are herewith submitted to the Senate for the signature of the President thereof.

By unanimous consent Mr. Carnahan introduced Senate bill No. 345—a bill to amend section forty of an act entitled, “An act to divide the State into circuits for judicial purposes, fixing the time for holding courts therein, abolishing the courts of common pleas and transferring the business thereof to the circuit courts and providing for the election of judges and prosecuting attorneys in certain cases,” approved May 6, 1873.

Which was read a first time.

Mr. Brown moved that the constitutional rule be suspended and the bill read a first and second time by title, considered engrossed and read a third time by sections now.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dwiggins, Fuller, Francisco, Friedley (of Scott), Gooding, Gregg, Hall, Haworth, Howard, Hubbard, Miller, Neff, Oliyer, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Stroud, Taylor, Wadge, Williams and Winterbotham—28.

Messrs. Hough and Rhodes voting in the negative.

So the constitutional rule was suspended, and Senate bill No. 345—a bill to amend section forty of an act entitled, “An act to divide the State into circuit for judicial purposes, fixing the time of holding court therein, abolishing the courts of common pleas and transferring the business thereof to the circuit courts, and providing for the election of judges and prosecuting attorneys in certain cases,” approved March 6, 1873, was read a second time by title and considered engrossed and read a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Diggin, Fuller,

Francisco, Friedley (of Scott,) Glessner, Gooding, Gregg, Hall, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Stroud, Taylor, Wadge, Williams and Winterbotham—41.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

By unanimous consent, Mr. Sarnighausen introduced Senate bill No. 346—an act to fix the time of holding the courts in the thirty-eighth judicial circuit, and continuing in force certain provisions of the law in reference thereto.

Which was read a second time.

Mr. Chapman moved to suspend the constitutional rule requiring bills to be read on three several days, and read the bill a second time by title, be considered engrossed and read a third time by sections now.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Chapman, Collet, Daggy, Daugherty, Dwiggins, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Howorth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele Stroud, Talor, Wadge, Williams and Winterbotham—42.

No Senators voting in the negative.

So the constitutional rule was suspended, and Senate bill No. 346—an act to fix the time of holding courts in the 38th judicial circuit, and continuing in force certain provisions of the law in reference thereto.

Which was read a second time by title and considered engrossed, and a third time by sections.

The question being shall the bill pass ?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dwiggins, Fuller, Francisco, Friedley (of Scott,) Glessner, Gooding, Gregg, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Williams and Winterbotham—38.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill ?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

By unanimous consent, Mr. Beeson introduced Senate bill No. 347—a bill providing how the usual books, blank, forms, and stationery heretofore furnished for the use of the common pleas court shall be dispensed of.

Which was read a first time.

Mr Brown moved to suspend the constional rule requiring bills to be read on three several days and read the bill a second time by title, considered engrossed and read a third time by sections now.

Those who voted in the affirmative were Messrs. Armstrong, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dwiggins, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Gregg, Haworth, Hough, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Smith, Stroud, Williams and Winterbotham—36.

No Senator voting in the negative.

So the constitutional rule was suspended, and Senate bill No. 347—a bill providing how the unused books, blank forms and stationery heretofore furnished for the use of the common pleas court, shall be disposed of.

Which was read a second time, considered engrossed, and read a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dwiggin, Fuller, Francisco, Friedley (of Scott,) Glessner, Gooding, Gregg, Hall, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Smith, Stroud, Taylor, Wadge, Williams and Winterbotham—42.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Brown moved to suspend the constitutional rule requiring bills to be read on three several days, and read Senate bill No. 336 a second time by title, considered engrossed, and read a third time now.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dwiggin, Fuller, Francisco, Friedley (of Scott,) Glessner, Gooding, Gregg, Hall, Haworth, Hough, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Smith, Stroud, Taylor, Wadge, Williams and Winterbotham—42.

No Senator voting in the negative.

So the constitutional rule was suspended, and Senate bill No. 336—a bill to fix and determine the boundary line between the States of Indiana and Kentucky, above and near Evansville, was read a second time by title considered engrossed, and a third time by sections.

The question being shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Dwiggins, Fuller, Francisco, Glessner, Gooding, Gregg, Hall, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Smith, Stroud, Taylor, Wadge, Williams and Winterbotham—38.

No senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Cave offered the following resolution:

Resolved, That the Board of Public Printing or Secretary of State be directed to have bound in sheep, and sent to each member of the Senate, the elective officers and reporters thereof, three copies each of the Acts, Journals of the Senate and House, Brevier Reports, and Documentary Journals of the regular session of the Fortieth General Assembly.

Which was adopted.

The President announced that he had signed enrolled acts of the House Nos. 138 and 539.

Mr. Rhodes moved to take up engrossed House bill No. 189.

Which was agreed to.

Engrossed House bill No. 189—a bill to place directors and other officers of Macadamized and gravel road companies, organized under the laws of this State, whenever they may be creditors of such corporation, on equal terms with other creditors in any and all suits for the collection of money due them, and to repeal all laws in conflict therewith.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Brown, Bunyan, Carnahan, Chapman, Collett, Daggy, Dwiggins, Fuller, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Sarnighausen, Scott, Smith, Taylor, Wadge and Williams—30.

Those who voted in the negative were, Messrs. Bird, Bowman, Cave, Francisco, Gregg, Hall, Ringo, Rosebrugh, Slater, Stroud and Winterbotham—11.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Neff moved to take up Senate bill No. 267.

Which was agreed to.

Engrossed Senate bill No. 267—a bill requiring license for certain purposes therein specified, was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Brown, Bunyan, Carnahan, Chapman, Collett, Daggy, Dwiggins, Friedley (of Scott), Glessner, Gooding, Haworth, Howard, Hough, Hubbard, Miller, Neff, Oliver, Ringo, Scott, Steele and Taylor—23.

Those who voted in the negative were, Messrs. Armstrong, Bird, Boone, Bowman, Cave, Daugherty, Fuller, Francisco, Gregg, Hall, Sarnighausen, Slater, Smith, Stroud, Williams and Winterbotham—16.

So the bill failed to pass for want of a constitutional majority.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills have had under consideration and find correctly enrolled the following bill:

Engrossed House bill No. 303—an act to amend sections two and six of an act entitled “An act providing for a geological survey,” etc.

Mr. Gooding moved that when the Senate adjourn, it be until 9.30 o'clock a. m. on to-morrow.

Which was agreed to.

Mr. Taylor moved to take up engrossed House bills Nos. 531 and 535.

Which was agreed to.

Engrossed House bill No. 531—an act making general appropriation for 1873 and 1874.

Which was read a first time and referred to the Committee on Finance.

Engrossed House bill No. 535—a bill making specific appropriations for the year 1873.

Which was read a first time and referred to the Committee on Finance.

Mr. Rosebrugh moved to take up engrossed House bill No. 26.

Which was agreed to.

Mr. Rosebrugh moved to suspend the constitutional rule requiring bills to be read on three several days, and read the bill a second

time by title, considered engrossed, and read a third time by sections.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Bhapman, Collet, Daggy, Dittemore, Dwiggins, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gregg, Hall, Haworth, Hough, Hubbard, Miller, Oliver, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Smith, Stroud, Taylor, Williams and Winterbotham—36.

No Senator voting in the negative.

So the constitutional rule was suspended, and engrossed House bill No. 26—a bill to amend section nine of an act entitled, "An act providing for the elections of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases," approved, June 9, 1852, and repealing all laws and parts of laws in conflict therewith.

Which was read a second time by title and a third time by sections.

Mr. Williams moved to indefinitely pass from the bill.

Mr. Glessner moved to lay that motion on the table.

Messrs. Williams and Brown demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Brown, Bunyun, Collett, Daggy, Daugherty, Dwiggins, Friedley (of Lawrence,) Glessner, Gregg, Haworth, Hough, Hubbard, Oliver, Rosebrugh, Sarnighausen, Scott, Sleeth, Smith and Wadge—25.

Those who voted in the negative were, Messrs. Bowman, Carnahan, Cave, Chapman, Hall, Miller, Ringo, Slater, Stroud, Taylor, Williams and Winterbotham—12.

So the motion to lay on the table the motion to indefinitely postpone the bill was agreed to.

Mr. Williams moved to lay the bill on the table.

On motion by Mr. Brown, the Senate adjourned until 9:30 a. m. on to-morrow.

LEONIDUS SEXTON,
President of the Senate.

FRIDAY MORNING.

MARCH 7, 1873, 9:30 O'CLOCK.

Senate met.

Mr. Cave moved to dispense with the reading of the journal of yesterday.

Which was agreed to.

Mr. Cave moved to take up Engrossed House bill No. 446.

Which was agreed to.

Engrossed House bill No. 446—a bill to repeal section fifty-five of an act entitled "An act to amend an act to authorize and regulate the business of general banking," approved March 3, 1855.

Which was read a first time.

Mr. Cave moved to suspend the constitutional rule requiring bills to be read on three several days, and read the bill a second time by title, considered engrossed, and read a third time by sections.

Mr. Brown moved to lay the motion on the table.

Messrs. Glessner and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beeson, Brown, Chapman, Daggy, Dwiggins, Friedley (of Scott), Friedley (of Lawrence), Haworth, Howard, Miller, Orr, Rhodes, Scott, Steele, Taylor, Thompson and Wadge—17.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Bird, Boone, Bowman, Bunyan, Carnahan, Cave, Dit-

temore, Francisco, Glessner, Hall, Neff, Ringo, Sarnighausen, Smith, Stroud, Williams and Winterbotham—19.

So the motion to lay on the table did not prevail.

Mr. Brown moved to refer the bill to the Committee on the Judiciary.

Messrs. Williams and Smith demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Boone, Brown, Bunyan, Chapman, Collett, Daggy, Dwiggins, Friedley (of Scott), Friedley (of Lawrence), Gooding, Harworth, Hough, Howard, Hubbard, Miller, Neff, Orr, Rhodes, Scott, Steele, Taylor, Thompson and Wadge—25.

Those who voted in the negative were, Messrs. Armstrong, Bird, Bowman, Carnahan, Cave, Dittemore, Francisco, Glessner, Hall, Ringo, Sarnighausen, Smith, Stroud, Williams and Winterbotham—15.

So the motion to refer the bill to the Committee on the Judiciary was agreed to.

Mr. Hall submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills report that they have this day carefully compared and find correctly enrolled the following House bills, to wit:

Engrossed House bill No. 444—a bill relating to the sale and conveyance of the property heretofore owned and occupied as a county jail, county seat and court house of Perry county, situated at the town of Rome, in said Perry county, State of Indiana.

Engrossed House bill No. 456—a bill for an act to amend the charter of the town of Clinton, granting to the board of trustees of said town certain powers, and legalizing certain acts of said president and trustees of said town.

Engrossed House bill No. 198—a bill to amend sections fifteen, nineteen, thirty-one and forty-nine of an act approved May 12,

1869, entitled, "An act providing for the organization of Savings Banks, and the safe and proper management of their affairs.

Mr. Hall submitted the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled bills report that they have this day carefully compared Enrolled House bills Nos. 441, 528, 534, 489, 8, 55, 87, 355, 144, 138, 539, and Enrolled Senate bills Nos. 169 and 264.

Message from the Governor by Samuel R. Downey, private Secretary thereof,

MR. PRESIDENT :

By directions of the Governor, I have the honor to inform the Senate that his Excellency has approved and signed Enrolled act No. 94, entitled, "An act concerning the application of certain fines penalties and forfeitures collected in the enforcement of certain city ordinances in cities having therein incorporated homes for Friendless Women." Also,

Joint Resolution No. 8, entitled, "A Joint Resolution in relation to the cancellation of certain bonds of the State therein named." Also,

Enrolled Act No. 32, entitled, "An act to legalize the sale of seminary lands in Jasper county to Marion L. Spitler and Margaret Stackhouse, and directing how the proceeds of said sale shall be applied." Also,

Enrolled Act No. 4, entitled, "An act to provide for the assessment and collection of taxes for municipal purposes, on the shares of stocks owned in banks and banking associations doing business in the State." Also,

Enrolled Act No. 99, entitled, "An act to authorize sureties upon notes, bills, bonds or other instruments in writing, who have been compelled to pay the same for their principals, to collect off principals, interest on the amount paid by such sureties, at the rate provided for in such original notes, bills, bonds or other instruments in writing held against such principal, and regulating the rate of interest on judgment rendered thereon." Also,

Enrolled Act No. 310, entitled, "An act to provide for collecting agricultural, mineral and mechanical productions of Indiana and their display at the Vienna Exposition, and for the appointment of a commissioner and assistant commissioner and provide for for expenses connected therewith." Also,

Enrolled Act No. 153, entitled, "An act to amend an act entitled, 'An act to create a State Normal School and declaring an emergency,'" approved December 20, 1865, and adding supplemental sections thereto, and providing for certain appropriations. Also,

Joint Resolution confirming the purchase of additional grounds wherein to erect a new State House. Also,

Enrolled act No. 338, entitled, "An act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein, abolishing the courts of common pleas and transferring the business thereof to the circuit courts, and providing for the election of judges and prosecuting attorneys in certain cases." Also,

Enrolled Act No. 254, entitled, "An act to amend section sixty of an act entitled, 'An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,'" approved March 14, 1867. Also,

Enrolled Act No. 160, entitled, "An act to amend an act to incorporate the Lawrenceburg Insurance Company," approved February 3, 1832. Also,

Enrolled Act No. 170, entitled, "An act making an appropriative to Purdue University, and declaring an emergency." And that he has caused the same to be deposited in the office of Secretary of State.

SAMUEL R. DOWNEY,

Private Secretary.

Mr. Chapman moved to reconsider the vote by which engrossed House bill No. 530 was ordered to a third reading.

Messrs. Glessner and Chapman demanded the ayes and noes.

Those who voted in the affirmative were Messrs. Beardsley

Beeson, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Dwiggins, Fuller, Francisco, Friedley (of Scott,) Glessner, Gooding, Haworth, Hough, Howard, Hubbard, Miller, Neff, Orr, Ringo, Scott, Smith and Wadge—25.

Those who voted in the negative were Messrs. Armstrong, Bird, Boone, Bowman, Brown, Dittemore, Friedley (of Lawrence,) Hall, Sarnighausen, Steele, Stroud, Thompson, Williams and Winterbotham—15.

So the motion to reconsider was agreed to.

Mr. Chapman moved to take from the table his amendment to strike out "15" and insert "10."

Which was agreed to.

The question being on the adoption of the amendment, Messrs. Glessner and Brown demanded the ayes and noes.

Those who voted in the affirmative were Messrs. Beeson, Bird, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Dwiggins, Francisco, Glessner, Gooding, Hall, Haworth, Hough, Howard, Hubbard, Miller, Neff, Orr, Ringo, Scott, Wadge and Winterbotham—24.

Those who voted in the negative were Messrs. Armstrong, Beardsley, Boone, Bowman, Brown, Daugherty, Dittemore, Fuller, Friedley (of Lawrence,) Gregg, Sarnighausen, Slater, Steele, Stroud, Taylor, Thompson and Williams—17.

So the amendment was adopted.

Engrossed House bill No. 530—a bill to raise revenue for State purposes for the years 1873 and 1874, was read a third time.

The question being shall the bill pass.

Those who voted in the affirmative were Messrs. Armstrong, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Chapman, Collett, Daggy, Daugherty, Dwiggins, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence), Gooding, Gregg, Hall, Haworth, Hough, Howard, Hubbard, Miller, Neff, Orr, Rhodes, Scott, Thompson and Wadge—31.

Those who voted in the negative were, Messrs. Bird, Cave, Glessner, Ringo, Sarnighausen, Slater, Stroud, Taylor, Williams and Winterbotham—10.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Hall submitted the following report:

MR. PRESIDENT:

The Committee on Engrossed bills report that they have this day carefully compared Engrossed Senate bill No. 346, and report the same correctly engrossed.

MAJORITY REPORT.

Mr. Wadge submitted the following report:

MR. PRESIDENT:

The Committee on Prisons desire to submit the following report: In his message to the General Assembly, convened in special session in November, 1872, his Excellency, Governor Baker, recommended that the Legislature take steps looking to the abandonment of the State Prison located at Jeffersonville, in this State. In accordance with the usage of Committees on State Prison, your committee have made a personal examination of both the prisons, in order to obtain a more thorough knowledge of the needs and wants of the State upon this subject, and to inquire into the practicability of placing all the prisoners of the State under the same management.

Your committee visited, by invitation, the State Prison located at Joliet. The information gathered while there relative to the working of convicts under the contract system was of great value to your committee, and the fact that the report of the commissioner of that prison shows that, for the past year, the prison has yielded

a surplus of \$36,000 in favor of the State, presents a strong argument in favor of placing the prisoners under one management. Among the other reasons which tended to more fully impress this on the minds of the committee is that it will save the expense of one Warden, one Deputy Warden, one Physician, one Chaplain, and one Board of Directors; and other facts gathered demonstrates clearly that prisoners can be more profitably supported when collected together, and that better discipline can be maintained.

The prison at Michigan City needs but the construction of one more cell room and two more shops to furnish the State ample provisions for the accommodation of all the prisoners in the State and yield a capacity for one thousand convicts.

This prison if furnished would be one of the best in this country. Its cell room and accommodation for prisoners except in a few minor particulars is unsurpassed. This prison is also well located for business, and affords every opportunity for contracting the labor of the convicts so as not only to make the institution self sustaining but yield a yearly profit to the State.

The harbor which is being finished at that point and upon which the General Government is expending much labor to complete will greatly tend to make this point most desirable and profitable for the State. In a sanitary point of view also, this locality presents peculiar advantages. Situated on the border of Lake Michigan and in an immediate section unafflicted by malarious affections, its health record has been remarkably good. Your committee found the prison at Michigan City in good condition as far as the facilities would permit. The discipline is rigid, but so far as your committee could determine, tempered with mercy and forbearance.

Its financial condition is also creditable to the management, a surplus of three thousand nine hundred and nine-two dollars and eighty-seven cents, being declared in favor of the State for the past year.

The great need of this prison is better water facilities. The only supply now at their command is obtained from a small well which can be exhausted by the steam engine in twenty minutes. In case of a fire as that which occurred there last year there is great danger of the complete destruction of the prison.

Your committee would urgently recommend an appropriation of two thousand dollars to provide means to procure a sufficient sup-

ply of water for any reasonable contingency. The needs of this are most pressing and urgent, and demands immediate action.

The shops devoted to the cooper business, needs ventilating flues and the committee would recommend that a sufficient sum be appropriated for that purpose.

Under present management the convicts are furnished with but one suit of clothing during their imprisonment. This cannot but be detrimental to the health and comfort of the prisoners, and your committee would recommend that an appropriation of three thousand dollars be allowed to enable the warden to furnish each convict with a clean suit every Saturday evening.

The Library at this prison is in a very poor condition, and should at once be replenished. We would recommend that the sum of \$500 be appropriated for that purpose, and that hereafter the Warden be directed to set apart all moneys collected as "Visitor's Fund," for the purpose of purchasing books, magazines, etc., for the use of the convicts. Your committee cannot too strongly urge the effect of prisoners being allowed the privilege of good literature.

It tends to occupy the mind and prevents other and less profitable thoughts to engross their attention.

The custom heretofore adopted of publishing with the reports of the warden and commissioners the names of the convicts we would especially condemn as unnecessary and unwise, and productive of much more harm than good. The feelings of convicts and relatives are sufficiently lacerated by their knowledge of the crime without being subjected to the mortification of seeing the matter continually published. Our neighboring States have long since abandoned the practice and we would earnestly recommend that the officers of the prison be directed to discontinue the same.

We cannot but urge the necessity which exists that the Chaplain of this prison should reside in the prison proper. It is true that the salary is insufficient to support a minister of the Gospel as he should be supported, and we would recommend that it be increased, yet it is manifestly necessary that near four hundred convicts should have the immediate and constant attention of a religious and moral instructor. We would recommend that he be directed to reside within or in the immediate vicinity of the prison. The chapel, which is at present unfinished, presents a

cheerless and disconsolate appearance, and should be finished as soon as possible.

We would also recommend that the warden be directed to furnish the men with candles for their cells. Under the present management, they are required to furnish their own, which takes from them their little sums they may have on hand, or might save by diligence or industry.

The visit of the committee to Jeffersonville was made at a late day. Important legislation prevented the visit earlier, which is to be regretted, as this prison needs the special attention of the General Assembly. As suggested by His Excellency Governor Baker, in his message to the Special Session, your committee found this prison in as good condition as can be expected under the circumstances. The discipline is much more mild and less vigorous than that practiced at Michigan City. The men appeared cheerful and contented, and but few complaints were made by the convicts of ill treatment. The library there is much larger than the one at Michigan City, and indications of having been much used by the convicts.

The testimony of all the officers of the prison was, that facilities for reading and thus occupying the mind was productive of great good to the convicts.

The committee would recommend that the "visitor's fund" of this prison shall also be set aside by the Warden to replenish the library from year to year.

The shops connected with this prison are in a very dilapidated condition; the walls of some of them crumbling to decay. To put them in a substantial condition would require an outlay of public money more than your committee feel justified in recommending, as the whole prison is in about the same condition. They would recommend that a sufficient amount be appropriated to allow the Warden to so temporarily repair them as to carry out in good faith the contract made with the contractors. As it exists now the rain enters the shops through the roofs, and does much damage to the machinery; and by the terms of the contract the State is pledged to keep the shops in good repair.

Your committee are free to say that this prison is unfit to keep human beings in; its condition reflects great disgrace to our State. The cell rooms are small, dark, and illy ventilated, and it cannot be otherwise than detrimental to the health of the inmates.

The sanitary condition, however is good, much better than could be expected under the circumstances, and demonstrates that the present managers of this prison avail themselves of every possible opportunity to improve the scanty means at their disposal. The question of punishment of convicts has been carefully and fully discussed by your committee, and they are unanimous in recommending that the "whip" or "cat" should be promptly abolished, as scarcely consistent with the spirit and sense of our civilization.

They are firmly of the opinion that the same discipline can be maintained by a milder and more christian like punishment. A comparison of the costs of keeping the convicts at the two prisons are much nearer equal than could be expected, averaging about forty-two cents per man. This compares favorably with the prisons of our neighboring States and reflects credit on the officers in charge. The defalcation which occurred by the absconding of the clerk of the prison at Michigan City, with about ——— of money belonging to the State was examined by the committee. The State was found to be protected by good and sufficient bond and it was considered best to leave the adjustment of this matter to the board of directors of that prison with a recommendation to the board to procure a settlement of the matter at the earliest practicable moment.

Your committee desire to express the opinion that when arrangements shall have been made for disposing of the prisoners at Jeffersonville, that some method be devised to classify the prisoners, and that young convicts and those unfortunate ones who are the victims of circumstances and who are not naturally bad men shall not be required to associate with more hardened criminals. They believe that plans can be adopted whereby the labor of such convicts can be made alike profitable to themselves as well as the State and reformation secured in many cases. The subject of prison reform which at present being agitated throughout the land, is of great importance, and worthy a careful examination by every community.

The limited time at the disposal of your committee prevented them from giving the important subject the consideration it is entitled to, we would recommend the appointment of a commissioner by the Governor, of men of both political parties who can and will give the subject attention, and report their recommendation to the Governor and the next General Assembly. In conclusion your committee would report that they cannot consistently recommend

the expenditure of the public money to construct a new prison at Jeffersonville while the same facilities can be afforded this State by finishing the prison at Michigan City at a comparatively small figure, and your committee would recommend to the General Assembly that it take steps looking to that object, so that when the present contracts expire at Jeffersonville, which will be in 1876, that prison can be abandoned, all of which is most respectfully submitted.

Mr. Williams submitted the following minority report:

MR. PRESIDENT:

The minority of the committee dissents from that portion of the majority report that recommends the abandonment of the Southern Prison.

Mr. Friedley, of Lawrence, moved to refer the majority and minority reports of the committee to the next General Assembly of the State of Indiana.

Which was agreed to.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

WHEREAS, There seems to be no statute authorizing any person to have custody, care, and repair of the public grounds, buildings, and property of the State; therefore be it

Resolved by the House of Representatives, the Senate concurring. That the Governor, Auditor, and Secretary of State be, and they are hereby created, *ex officio*, a board of commissioners to have the custody and care of the public grounds, buildings and property of the State of Indiana, at the capital. They shall see that the fences and buildings are kept in repair, and that no waste or damage is committed upon them during the recess of the General Assembly. They shall have power to determine all temporary use of them. They shall give all orders concerning the preparation of the Capitol for the meeting of the General Assembly, and no expenditure

shall be made on this behalf without their express direction. They may rent any grounds of the State not occupied for public use, to continue until the next meeting of the General Assembly; but they shall not encumber such grounds or buildings with any contract which will interfere with their State use. They shall also collect, at the close of each session of the General Assembly, the furniture and equipments of the two Houses and the committee rooms, and sell the same for the benefit of the State treasury, or require the Librarian to preserve the same for future use; and the Senate is respectfully requested to concur therein.

And that the House has passed the following concurrent resolution of the Senate, to-wit:

Resolved by the Senate, the House of Representatives concurring, That the State Librarian be directed, when purchasing books for the State Library, under the direction of the proper authorities, to procure a full set of the English and American Herd Books, for the use of said Library: *Provided*, the said books can be bought for the sum of \$250, or less.

Also the following Senate bills, to-wit:

Engrossed Senate bill No. 300—a bill for the relief of the Lye Creek Draining Association.

Senate bill No. 289, with House amendments—a bill to fix the salaries of the Judges of the Supreme Court of this State," etc.

Engrossed amendments of the House of Representatives to Senate bill No. 289:

Amend section two, by striking out the word "four," in the sixth line, and inserting the word "three," in lieu thereof.

Amend by inserting the following section:

SEC. 2. There shall be allowed to each of the judges of the criminal circuit courts, annually, two thousand dollars, to be paid quarterly out of the treasury of the county in which such court is established. *Provided*, that in all counties having a city with a population of forty thousand, the salary of said criminal circuit court judges shall be twenty-five hundred dollars, to be paid quarterly out of said county treasury as aforesaid.

SEC. 4. That the judges of the superior courts shall be allowed the sum of three thousand dollars per annum, payable in the same proportion and in the same manner as is now provided by law.

Change the number of section 2 to section 5, and section 3 to section 6. Amend the title of said bill by inserting after the word "supreme" the words "circuit, superior and criminal courts." Amend the title further by striking therefrom the words "and declaring an emergency for the immediate taking effect of this act."

And the same are herewith returned to the Senate, and the Senate is respectfully requested to concur in said amendments.

I am also directed to inform the Senate that the House has receded from that portion of its amendments to Senate bill No. 188—an act to authorize and encourage the construction of levees, dykes, drains and ditches, and the reclamation of wet and overflowed lands by incorporated associations, and providing for the incorporation of such associations, and prescribing their powers; and providing for the assessment of the cost of such improvements, and the expenses attending the same upon the lands benefited thereby, and for the collection of such assessments as requested by the Senate, and said bill and amendments are herewith returned to the Senate.

Engrossed amendments of the House of Representatives to Senate bill No. 88. Amend in line seven, section 13, by striking out the words "one-third," and inserting in place thereof the words "a majority." Amend in line eleven, section 13, by striking out the words "one-third" and inserting in place thereof the words "a majority." Add the following section:

SEC. 30. In any case in which persons have heretofore attempted to organize an association for the purposes contemplated in this act, under prior laws of this State, and have in good faith taken such steps as were supposed by them to be necessary to make and perfect such organization, and have proceeded in good faith to the actual construction of all or any portion of their proposed work prior to the 1st day of November, 1872, and shall then have failed or been unable to collect assessment of benefits because of any error informality or invalidity in the organization of said association, or in its proceedings, then, and in every such case, it shall be

lawful for such persons, or any portion of them not less than two-thirds of all those who united in the original undertaking, together with such other persons as shall unite with them to sign and adopt articles of association and become incorporated in the manner provided in this act, for the purpose of taking possession of the work undertaken and commenced by said former attempted association and completing or keeping them in repair as the case may require, and such newly organized company shall have the right to assume all the debts and liabilities incurred by said former attempted association, or the persons composing the same, for labor and materials employed in the construction of said work, and go on and complete said work, if the same is unfinished, and in such case said newly organized company shall have power to cause an assessment of benefits and injuries to lands affected by said work, to be made and collected under this act, in the same manner as if said work had been undertaken and done by said newly organized company in the first instance: *Provided*, That all persons assessed shall have credit on their assessments for all payments made by them on account of said work to the former association or persons composing it; *and provided further*, that the provisions of this section shall not apply to the case of any association or attempted association, the main line of whose proposed work shall exceed sixteen miles in length.

Amend by making the thirtieth section the thirty-first section and by making the thirty-first section the thirty-second section.

I am directed by the Speaker to inform the Senate that he has signed the following acts, to-wit:

Enrolled Act No. 456 House of Representatives—an act] to amend the charter of the town of Clinton, granting to the board of trustees of said town certain powers, and legalizing certain acts of the President and trustees of said town.

Enrolled] Act No. 411 House of Representatives—an act to amend section forty-four of an act entitled “An act to provide for a general system of common schools,” etc.

Enrolled Act No. 198 House of Representatives—an act to amend the fifteenth, nineteenth, thirty-first and forty-ninth sections of an act approved May 12, 1869, entitled “An act to provide for the organization of savings banks,” etc.

Engrossed Act No. 303 House of Representatives—an act to amend sections two and six of an act entitled “An act providing for a geological survey and for the collection and preservation of a geological and mineralogical cabinet.”

Enrolled act No. 528, House of Representatives—an act concerning the employment of short hand reporters, regulating their duties and providing that the original long hand manuscript report of evidence may be used on appeal in certain cases.

Enrolled act No. 534, House of Representatives—an act legalizing the assessment and collection of the municipal taxes for the years of 1871 and 1872, of the town of Summerset, in Wabash county.

Enrolled act No. 444, House of Representatives—an act relating to the sale and conveyance of the property heretofore owned and occupied as a county jail, county seat and court-house of Perry county, situated in the town of Rome, in said Perry county, State of Indiana.

And the same are herewith submitted to the Senate for the signature of the President thereof.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following bills, to-wit:

Senate bill No. 176—a bill supplemental to and repealing section thirteen of “An act to establish Public Libraries,” approved February 16th, 1852, etc., etc.

Senate bill No. 24—a bill to amend section thirty of an act entitled “An act providing for the election or appointment of supervisors of highways and prescribing certain of their duties, etc.

Senate bill No. 206—a bill to encourage agriculture and agricultural fairs by the purchase and improvement of fair grounds.

Senate bill No. 74—a bill to legalize the acts and proceedings of Boards of County Commissioners in certain cases and declaring an emergency.

And the same is herewith returned to the Senate.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills have had under consideration and find correctly enrolled the following bills, viz:

House bill No. 256—an act in relation to the order of business in the Circuit Courts, etc.

Mr. Wadge introduced Senate Joint Resolution No. 20—a joint resolution concerning the management of the State Prison.

Mr. Hall offered the following amendment: Strike out the words “known as visitor’s fund,” and insert “all money received from visitors.” And after the words “cat or whip,” insert the words “or any substitute therefor.”

Mr. Slater moved to refer the joint resolution to the Committee on the Judiciary and made a special order for 9:30 o’clock a. m. on to-morrow.

Which was agreed to.

The President announced that he had signed enrolled acts of the House Nos. 198, 456, 411, 303, 528, 534 and 444.

Mr. Beeson submitted the following majority report:

MR. PRESIDENT:

The Committee on Mines and Mining; to whom was referred Senate bill No. 405 — a bill regulating Coal mines and the working thereof” have had the same under consideration and a majority of said committee have directed me to report the same back to the Senate with the following amendments: strike out all after the enacting clause in the first section of said bill and insert the following: “The Governor shall appoint a suitable and competent person mine inspector, and one assistant inspector who shall hold their offices for two years, and the salary of mine inspector shall be two thousand dollars per annum and the salary of the assistant inspector shall be one thousand dollars per annum and said salaries to be paid quarterly out of the state treasury.

And when so amended recommend the passage of the bill.

Mr. Friedley, of Lawrence, submitted the following minority report:

MR. PRESIDENT:

The Committee on Mines and Mining have had under consideration Engrossed House bill No. 230 — a bill regulating coal mines and the working thereof, providing for the appointment of a mine inspector, regulating his duties and compensation, providing for the punishment of persons violating the provisions of this act, and fixing the time when the same shall take effect.

Senate bill No. 205—a bill regulating coal mines and the working thereof, and a minority of the committee dissent from the conclusions of a majority of the committee recommending the passage of Senate bill No. 205 with certain amendments.

The minority of said committee return House bill No. 230, with the recommendation that the same do pass, and that said Senate bill do lie on the table.

Mr. Chapman moved to lay the minority report on the table.

Messrs. Brown and Gregg demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Bird, Boone, Bowman, Chapman, Collett, Daggy, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott), Glessner, Harney, Haworth, Hough, Howard, Hubbard, Miller, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—35.

Those who voted in the negative were, Messrs. Brown, Carnahan, Friedley (of Lawrence), Gregg, Hall, Neff and Slater—7.

So the Minority report was laid on the table.

Mr. Brown moved to lay the majority report of the committee on the table.

Messrs. Glessner and Ringo demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Brown, Bunyan, Carnahan, Cave, Collett, Daggy, Daugherty, Dwiggin, Fuller, Francisco, Friedley (of Scott), Friedley of Lawrence), Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Orr, Rhodes, Scott, Slater, Stroud and Winterbotham—29.

Those who voted in the negative were, Messrs. Beeson, Bird, Boone, Bowman, Chapman, Dittemore, Glessner, Ringo, Sarnighausen, Smith, Steele, Thompson, Wadge and Williams—14.

So the majority report was laid on the table.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following bills, to-wit:

Senate bill No. 120—a bill to protect the ballot box, to procure a fair election, to define felonies, and prescribe punishment therefor.

I am also directed to inform the Senate that the House has failed to concur in the amendments of the Senate to House bill No. 526—a bill to provide for the public printing and binding, and the Senate is respectfully requested to recede from its amendments to said bill.

Mr. Harney submitted the following report:

MR. PRESIDENT:

The Committee on Agriculture, to whom was referred engrossed House bill No. 434—a bill supplemental to an act entitled "An act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain," approved June 15, 1852, have had the same under consideration, and have directed me to report the same back, recommending its passage.

Which was concurred in.

Mr. Dittemore moved to suspend the constitutional rule requir-

ing bills to be read on three several days and read the bill a second time by title and a third time by sections.

The ayes and noes being taken under the rule.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Bird, Boone, Bowman, Brown, Carnahan, Cave, Collett, Daggy, Dittemore, Daugherty, Dwiggins, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Gregg, Harney, Haworth, Howard, Hubbard, Miller, Rhodes, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Thompson, Wadge Williams and Winterbotham—36.

Messrs. Chapman, Hall and Orr, voting in the negative—3.

So the constitutional rule was suspended and Engrossed House bill No. 434—a bill supplemental to an act entitled "An act concerning licenses to vend foreign merchandise to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show, and legerdemain," approved June 15th, 1852.

Which was read a second time by title and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence,) Glessner, Gregg, Hall, Harney, Haworth, Hubbard, Miller, Neff, Rhodes, Ringo, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—40.

Mr. Hough, voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Dwiggins moved to take up Engrossed House bill No. 526.

Which was agreed to.

Mr. Dwiggins moved that the Senate do not recede from its amendment to the bill.

Which was agreed to.

Mr. Dwiggins moved to refer the bill to a committee of free conference.

Which was agreed to.

The President appointed as the Committee of Free Conference, Messrs. Dwiggins, Slater and Hough.

On motion by Mr. Brown, the Senate took a recess until 2 o'clock, p. m.

AFTERNOON SESSION.

Senate re-assembled, 2 o'clock.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint committee on Enrolled bills have had under consideration and find correctly enrolled the following bills:

House Enrolled act No. 189—An act to place directors and other officers etc.

Mr. Scott moved to suspend the order of business and take up Senate bill No. 224.

Which was agreed to.

Engrossed House bill No. 224—A bill to amend the first section of an act approved January 14. 1846 entitled "An act to incorporate the Female Seminary of St. Mary's of the Woods, in Vigo county, Indiana, by authorized schools for youths, an Orphan Asy-

lum a Hospital and other works of charity by said corporation, was read a second time by title.

Mr. Scott moved to suspend the constitutional rule requiring bills to be read on three several days and read the bill a third time by sections. The ayes and noes being taken under the rule.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Cave, Chapin, Collett, Daggy, Daugherty, Dwiggins, Fuller, Friedley (of Scott), Freidley (of Lawrence), Glessner, Gooding, Gregg, Hall, Harney, Haworth, Howard, Hough, Hubbard, Miller, Neff, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham.—43.

No senator voting in the negative, so the constitutional rule was suspended and Engrossed House bill No. 224—A bill to amend the first section of an act approved January 14, 1846 entitled, "An act to incorporate the Female Seminary of St. Mary's of the Woods in Vigo county, Indiana, by authorized schools for youths, an orphan asylum, a hospital and other works of charity by said corporation was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggins, Fuller, Friedley, (of Scott,) Friedley, (of Lawrence,) Gooding, Gregg, Harney, Howard, Hubbard, Miller, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—39.

Messrs. Hough and Neff voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills have had under consideration and find correctly enrolled the following bill:

Senate enrolled bill No. 305.

Mr. Smith submitted the following report:

MR. PRESIDENT:

The Committee on Engrossed Bills have had the following bills under consideration and find the same correctly engrossed.

Engrossed Senate bills Nos. 230, 304, 242, 275, 95 and 274.

Message from the House by Mr. Nixon Clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed with the House amendments thereto the following Senate bill, to-wit:

Senate bill No. 250—a bill to further prescribe the duties of the Secretary of State, and to provide for the necessary arrangements, clerks and expenses of his office.

Engrossed amendments of the House of Representatives to Senate bill No. 250.

Amend section two as follows: Strike out all after the words "recorded in his office," and insert "that not more than five hundred dollars shall be expended for the purchase or procurement of any such missing laws, papers or other files, which amount is hereby appropriated for that purpose."

Amend section four as follows: Insert after the words "regular work of his office," the following: "and one additional clerk for the special purposes of this act, at a salary of twelve hundred dollars, for a period not exceeding two years," and the Senate is requested to concur in said amendments.

I am also directed by the Speaker to inform the Senate that he has signed the following enrolled act, to-wit: Enrolled act No. 256 House of Representatives—an act in relation to the order

of business in the circuit courts, and giving the court the power to impanel special juries in certain cases. And the same is herewith submitted to the Senate for the signature of the President thereof.

Mr. Hubbard moved to take up engrossed House bill No. 195.

Which was agreed to.

Mr. Hubbard moved to suspend the constitutional rule requiring bills to be read on three several days and read the bill a second time by title and a third time by sections.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Friedley (of Scott), Friedley (of Lawrence), Gooding, Gregg, Hall, Harney, Hough, Howard, Hubbard, Miller, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—41.

No Senator voting in the negative.

So the constitutional rule was suspended, and engrossed House bill No. 195—a bill to amend the first section of an act entitled "An act to incorporate the University of Notre Dame DuLac, at South Bend, St. Joseph county, Indiana," approved January 15, 1844—was read a second time by title and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Glessner, Gooding, Gregg, Harney, Haworth, Hubbard, Miller, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—37.

Those who voted in the negative were, Messrs. Friedley (of Lawrence), Hough, Howard, Neff and Orr—5.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Brown moved to take up Senate bill No. 250.

Which was agreed to.

Mr. Sleeth moved to concur in engrossed amendments of the House to the bill.

Which was concurred in.

ORDERED: That the Secretary inform the House thereof.

Message from the House by Mr. Nixon, Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled act, to-wit: No. 189, H. R.—an act to place directors and other officers of Macadamized and gravel road companies organized under the laws of this State, whenever they may have become creditors of such corporations, on equal terms with other creditors, &c., and the same is herewith submitted to the Senate for the signature of the President thereof.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills, report that they have this day presented to the Governor, House bill No. 256, for his approval, an act in relation to the order of business in the circuit courts, &c.

Mr. Friedley, of Lawrence, offered the following resolution:

Resolved, That the revenue printing and appropriation bills shall
S. J.—62

be privileged and may be taken, reported, and acted upon at any time, that the order of business of the Senate shall be, first, House bills on second reading; second, reading second House bills on third reading.

Which was adopted.

Mr. Dwiggins moved to reconsider the vote adopting the resolution offered by Mr. Friedley, of Lawrence, and to lay that motion on the table.

Which was agreed to.

Mr. Hough submitted the following report:

MR. PRESIDENT:

The Committee on Education to whom was referred Engrossed House bill No. 316, entitled "A bill to authorize township trustees to levy an additional tax to the amount now authorized by law not exceeding twenty-five cents on each one hundred dollars worth of taxable property in any one year, for the purpose of paying, satisfying, and liquidating debts, made and contracted by such trustees in the construction, repairing and completing of school house, and providing furniture and school apparatus therefor, and declaring an emergency, have had the same under consideration and have directed me to return the same to the Senate with the recommendation that the bill do pass.

Which was concurred in.

Mr. Hough submitted the following report:

MR. PRESIDENT:

The Committee on the Rights and Privileges of the inhabitants of the State to whom was referred House bill No. 333, entitled "A bill concerning the granting of divorces," have had the same under consideration and have directed me to return the same to the Senate with the recommendation that the same be indefinitely postponed.

Which was concurred in.

Mr. Hall submitted the following report:

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred engrossed House bill No. 2—entitled “ A bill to fix the time of holding the courts in the third judicial circuit, the duration of the terms thereof, and declaring when this act shall take effect, and repealing all laws inconsistent therewith,” have had the same under consideration, and have directed me to return the same to the Senate with the recommendation that the same be laid on the table.

Which was concurred in.

Mr. Collett submitted the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled Bills report that they have this day presented to the Governor House bill No. 456 for his approval; also, House bills Nos. 411, 303, 534, 444 and 198.

Mr. Hough submitted the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred engrossed House bill No. 177, entitled “ A bill fixing the time of holding the courts in the counties composing the first judicial circuit of this State, and repealing all laws conflicting herewith, and declaring an emergency,” have had the same under consideration, and have directed me to return the same to the Senate with the recommendation that it lie upon the table.

Which was concurred in.

Mr. Gregg submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred House bill No. 236, entitled “ A bill for an act to amend the 453d section of ‘ An act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, with-

out distinction between law and equity, approved June 18, 1852, and declaring an emergency," have had the same under consideration, and have instructed me to report it back to the Senate with the recommendation that it lay on the table.

Which was concurred in.

Mr. Steele submitted the following report :

The committee on the judiciary to whom was referred, Joint Resolution No. 20 have had the same under consideration, and direct me to report the same back and recommend that the same lie on the table.

Which was concurred in.

- Engrossed House bill No. 241—a bill to give security to persons who contract with railroad corporations to perform work and labor in the construction of railroads, and declaring an emergency.

Which was read a second time and ordered engrossed.

Engrossed House bill No. 430—a bill to amend sections five and six of an act entitled, "An act to authorize the boards doing county business to declare water courses navigable, approved May 31, 1852.

Which was read a second time.

Engrossed House bill No. 114—a bill to amend the first section of an act to authorize any person desiring to erect a flouring mill or other machinery to be propelled by water on his own land to make a race-way below such mill or machinery through land belonging to other persons and to regulate the assessment and payment of damages therefor," approved March 1. 1853.

Which was read a second time and amendments ordered engrossed.

Engrossed House bill No. 225—a bill to amend section two of an act entitled, "An act to provide for the protection of wild game and defining the time in which the same may be taken or killed and providing the penalty for violating the same," approved March 11, 1867, and also providing for the protection of certain birds therein named, and their eggs and fixing a penalty.

Which was read a second time and the amendments ordered engrossed.

Engrossed House bill No. 377—a bill declaratory of the law of this State as to the eligibility of women to certain offices therein mentioned.

Which was read a second time.

Engrossed House bill No. 208—a bill to legalize the official acts of the several boards of trustees of the town of Mooresville, Morgan county, Indiana, and to legalize the act of the incorporation thereof and all other officers of said corporation under an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852, etc.

Which was read a second time.

Engrossed House bill No. 299—a bill to allow a bounty for fox scalps providing for the payment thereof, prescribing the duties of county treasurers and clerks in relation thereto and authorizing county commissioners to allow additional bounty for such scalps.

Which was read a second time.

Engrossed House bill No. 332—a bill to authorize the enlargement of the House of Refuge for juvenile offenders, and making appropriations therefor, and declaring an emergency to exist.

Which was read a second time.

Engrossed House bill No. 146—a bill to prevent the obstructing of ditches, drains and running streams, and prescribing penalties for the violation of the provisions of this act.

Which was read a second time.

Engrossed House bill No. 151—to amend an act entitled “An act to declare abandoned certain unfinished railroads, and to provide for their completion, to declare forfeited the franchises of certain railroad companies, and for the assessment of the value thereof, for the organization of new companies, and for making annual statements.”

Which was read a second time.

Engrossed House bill No. 362—a bill to amend section three of an act entitled “An act to provide compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad company in the State,” approved March 1, 1853.

Which was read a second time.

Engrossed House bill No. 495—a bill to amend section one of an act entitled “An act to amend sections nine, ten, eighteen, nineteen, twenty-three, twenty-four and thirty-three of an act entitled ‘An act to incorporate the town of Vernon, Jennings county, Indiana,’ approved January 22, 1851, etc.

Which was read a second time.

Engrossed House bill No. 245—a bill to provide for the paroling of prisoners who may be confined in any county jail for the non-payment of fines which may have been adjudged against them upon conviction of public offences.

Which was read a second time.

Mr. Hough submitted the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred engrossed House bill No. 291—entitled “An act defining what counties shall constitute the third judicial circuit, have had the same under consideration, and have directed me to return the same to the Senate, with the recommendation that the same be laid on the table.

Engrossed House bill 453—a bill to legalize the incorporation of the town of Kentland, Newton county, Indiana, and the official acts of the several boards of trustees of said town and other officers of said corporation under an act for the incorporation of towns defining their powers, etc.

Which was read a second time.

Mr. Daggy submitted the following report :

MR. PRESIDENT :

The Committee on Organization of Courts to whom was referred House bills Nos. 282, 311, 344, 421 and 422 being court bills, herewith return the same recommending that the same lie on the table.

Which was concurred in.

SPECIAL ORDER.

The hour fixed for the consideration of Senate bill No. 299.

It was taken up.

Mr. Glessner moved to concur in the House amendments to the bill.

The question being on concurring in the house amendments..

Mr. Sleeth made the following motion: Amend by substituting in lieu of the motion made by the Senator from Shelby, the following :

That the Senate concur in the amendments of the House with the following amendment, strike out the words "three thousand" where the same occurs in section two, and insert in lieu thereof "twenty-five hundred."

Mr. Slater offered the following amendment to the motion of Mr. Sleeth: Amend by striking out "\$2,500," and insert "\$2,000."

The question being on the adoption of the amendment to the amendment.

Messrs. Orr and Slater demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Boone, Bunnan, Cave, Collett, Fuller, Friedley (of Scott,) Gregg, Harney, Haworth, Hough, Miller, Neff, Orr, Rosebrugh, Slate, Steele, Stroud and Winterbotham—18.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Brown, Carnahan, Chapman, Daggy, Daugherty, Dwiggin, Francisco, Friedley (of Lawrence,) Glessner, Gooding, Haworth, Hubbard, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Smith, Taylor, Thompson and Wadge—25.

So the amendment to the amendment was not agreed to.

The question being on the adoption of Mr. Sleeth's motion.

Messrs. Slater and Brown demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Boone, Bowman, Bunyan, Carnahan, Cave, Collett, Daggy, Fuller, Friedley (of Scott,) Gregg, Harney, Haworth, Hough, Howard, Miller, Neff, Orr, Ringo, Scott, Slater, Sleeth, Smith, Steele, Stroud, Williams and Winterbotham—28.

Those who voted in the negative were, Messrs. Beeson, Bird, Brown, Chapman, Daugherty, Dwiggin, Francisco, Friedley (of Lawrence,) Glessner, Gooding, Hubbard, Rhodes, Rosebrugh, Sarnighausen, Taylor, Thompson and Wade—17.

So the motion by Mr. Sleeth, was agreed to and the amendments of the House as amended concurred in.

Mr. Slater moved to reconsider the vote adopting the motion by Mr. Sleeth.

Mr. Friedley, of Lawrence, moved to lay that motion on the table.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Bowman, Brown, Carnahan, Chapman, Daggy, Dwiggin, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Hough, Hubbard, Miller, Neff, Orr, Ringo, Rhodes, Sarnighausen, Scott, Sleeth, Smith, Steele, Wadge, and Williams—29.

Those who voted in the negative were, Messrs. Boone, Bunyan, Cave, Collett, Daugherty, Fuller, Gregg, Hall, Harney, Haworth, Rosebrugh, Slater, Stroud and Winterbotham—14.

So the motion to lay on the table was agreed to.

Message from his Excellency, the Governor, by Sam'l R. Downey, his private Secretary.

MR. PRESIDENT :

By direction of the Governor, I have the honor to inform the Senate that his Excellency has approved and signed Enrolled Act

No. 10, entitled "An act to amend section fifty-eight (58) of an act entitled 'An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,'" approved March 14th, 1867, and declaring an emergency.

Also, Enrolled Act No. 50, entitled "An act supplemental to the act entitled 'An act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers,' approved June 7, 1852, so as to define the boundary between the counties of Washington and Clark."

Also, Enrolled Act No. 156, entitled "An act to authorize cities constructing water works to issue bonds, and to dispose of the same in aid of the construction of such water works."

Also, Enrolled Act No. 169, entitled "An act authorizing the organization of voluntary associations, and prescribing their duties and powers."

Also, Enrolled Act No. 69, entitled "An act authorizing and empowering cities incorporated under any general law of this State for the incorporation of cities, and owning real estate, to sell and convey the same in whole or in parcels, as the Common Council of such city or cities may deem expedient, and prescribing in what manner the same may be conveyed, and declaring an emergency."

Also, Enrolled Act No. 264, entitled "An act to amend the fourth, fifth, twenty-sixth, thirty-fifth, forty-third and fifty-eighth sections of an act, entitled 'An act granting to the citizens of the town of Evansville, in the county of Vanderburgh, a city charter,'" approved January 27, 1847, and that he has caused the same to be deposited in the office of the Secretary of State.

SAMUEL R. DOWNEY,
Private Secretary.

Mr. Sleeth submitted the following report:

MR. PRESIDENT:

The Committee on Claims, to whom was referred a resolution adopted by the Senate, January 20, 1873, instructing your committee to investigate the claims of the Gutenberg Company,

allowed in the specific appropriation bill at the special session, has had the same under consideration, and respectfully report that they have ascertained that by some mistake there was allowed \$471.60 in said appropriation bill to said company for which no bill had ever been presented; that when the person representing said company called on the Auditor of State for his warrant, he pointed out to said Auditor the error, and the same has not been drawn from the Treasury. That the bill which passed the Senate a few days ago repealing section fifty-five of said specific appropriation act, furnishes a free and ample remedy for said mistake.

Which was concurred in.

Mr. Collett submitted the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled Bills report that they have this day presented to the Governor, House bill 189, for his approval—an act to place directors and other officers of Macadamized and gravel roads, etc.

Message from the House by Mr. Nixon, Clerk thereof :

MR. PRESIDENT :

I am directed to inform the Senate that the Speaker has signed the following enrolled act, to-wit :

Enrolled Act No. 106, Senate—an act to prescribe the qualifications of petit jurors in the several counties of this State.

Enrolled Act No. 305, Senate—an act to incorporate trustees selected by any religious society for educational, benevolent, or charitable purposes and enable them to receive and hold real and personal property for such purposes.

And the same is herewith transmitted to the Senate.

I am also directed to inform the Senate that the House has, in accordance with the request of the Senate, agreed to a free Conference Committee on the Senate amendments on House bill No. 256—a bill to provide for the public printing and binding.”

And the House has appointed on said committee, Messrs. Mellett, Hardesty and Baker.

Mr. Steele submitted the following report :

MR. PRESIDENT :

The Committee on Claims, to whom was referred claims of Wm. Specker and one in favor of G. W. McGraw as witness in the case of Kline vs. Burson, have had the same under consideration, and recommend that they be not allowed for want of proper proof and their correctness.

Which was concurred in.

Mr. Sleeth submitted the following report :

MR. PRESIDENT :

The Committee on Claims, to whom was referred sundry claims, have had the same under consideration, and they report the following back to the Senate, with the recommendation that they be allowed: W. H. English, \$400.00; Mitchell & Rammelsburgh, \$34.00; Henry Coleman, \$20.00; Murphy, Johnson & Co. \$41.70; Thomas A. Stillwell, \$6.60; F. T. Luse, \$5.10; J. F. Williams, \$6.60; Joseph Fulton, \$5.10; E. R. Channan, \$11.10; J. D. Williams, \$10.80; Wm. Scott, \$5.70; S. F. Braden, \$24.30; A. Reed, \$8.00.

Which was concurred in.

Mr. Taylor submitted the following report :

MR. PRESIDENT :

The committee to whom was referred engrossed House bill No. 531—a bill making general appropriations for the years 1873 and 1874, have had the same under consideration, and have directed me to report the same back with the following amendments :

Amend section two, line twenty-one, by striking out "one thousand dollars" and insert in lieu thereof "twenty-two hundred dollars" for Governor's Private Secretary.

Strike out section eleven and substitute as follows :

Sec. 11. For public printing, paper and binding the sum of thirty thousand dollars is hereby appropriated for the year of 1873. Out of this appropriation shall be printed under the direction of the State Board of Agriculture the reports of the board for the aforesaid year; also the reports of the State Horticultural Society for the year aforesaid, and geological reports for same year.

Amend section nineteen so as to read "three thousand" instead of "five thousand."

Amend section twenty-two, second clause, so as to read as follows: For public printing, paper and binding the sum of twenty thousand dollars is hereby appropriated for the year of 1874. Out of this appropriation shall be printed under the direction of the State Board of Agriculture the reports of the board for the aforesaid year; also the reports of the State Horticultural Society for the year aforesaid, and geological reports for the same year.

Amend section twenty-four by striking out "sixty-five thousand," and insert in lieu thereof "forty thousand."

Amend section twenty-six so as to read as follows: "Indiana Soldiers', Seamen and Orphans' Home."

Amend section twenty-seven by striking out "twenty-five thousand," and insert "twenty thousand" in lieu thereof.

Amend section twenty-nine by striking out "sixty-seven thousand five hundred," and insert "forty-five thousand" in lieu thereof.

Amend section thirty by striking out all after the word "dollars" in line nine.

Amend section thirty-one so as to read "Indiana Soldiers', Seamen and Orphans' Home."

Amend section thirty-two by striking out "thirty-seven thousand five hundred," and insert "twenty thousand" in lieu thereof.

Amend section thirty-six by striking out the whole section.

Amend by striking out all of section thirty-nine.

Amend by striking out all of section forty-three.

Amend by striking out all of section forty-four.

Amend by striking out all of section forty-five.

Amend by striking out all of section forty-seven after the sixth line.

And when so amended the committee recommend the passage of the bill.

Mr. Hough offered the following amendments :

Strike out of section two the clause providing for incidental expenses of Superintendent of Public Instruction.

Amend section two further by striking out of the clause providing for incidental expenses for supreme court the words "twenty-four hundred" and insert in lieu "one thousand". Amend by striking out section 4.

Amend section three by striking out the word four in first line and inserting the word two.

Amend section thirteen by striking out the clause providing one thousand dollars for incidental expenses of the Superintendent of Public Instruction.

Amend section thirteen further by striking out the clause providing for incidental expenses of superior court the words "twenty-five hundred" and insert in lieu thereof, "one thousand."

Amend section fourteen by striking out of line "one" the word "four" and inserting in lieu thereof, the word "two."

Amend the bill by striking out section 15.

Mr. Dittemore moved to lay the amendment on the table.

Messrs. Hough and Neff demanded the ayes and noes.

Those who voted in the affirmative were, Armstrong, Beeson, Bird, Boone, Bowman, Brown, Cave, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley, of Lawrence, Glessner, Gooding, Hall Harney, Hubbard, Sarnighausen, Scott, Steele, Stroud, Taylor, Thompson and Williams—27.

Those who voted in the negative were, Messrs. Bunyan, Carnahan, Chapman, Collett, Gregg, Hawarth, Hugh, Hubbard, Miller, Neff, Orr, Rhodes, Singo, Slater and Winterbotham—15.

So the amendment was laid on the table.

On motion, the amendments were ordered engrossed, and the bill ordered to a third reading on to-morrow.

Engrossed House bill No. 531—a bill making general appropriations for the years 1873 and 1874.

Which was read a second time.

Mr. Dwiggins offered the following amendments: "Amend by striking out section 10."

Which was adopted.

Mr. Steele offered the following amendment: "Amend by allowing the Treasurer of State one additional clerk, at a salary not exceeding one thousand dollars per year."

Which was agreed to.

Mr. Slater offered the following amendment to the amendments reported by the committee: Amend report of committee, SECTION 2. And this shall be in full for all services rendered.

Mr. Daugherty moved to lay the amendment on the table.

Which was agreed to.

Mr. Scott offered the following amendment: "For the years 1873 and 1874. For the incidental expenses of the State Horticultural Society five hundred dollars, to be drawn on the order of the president of such society each year."

Which was adopted.

Mr. Dwiggins offered the following amendment: Amend by striking out section twenty-one.

Which was agreed to.

Mr. Friedley, of Lawrence, moved to amend by reinstating section forty-three.

Mr. Orr moved to lay the motion on the table.

Messrs. Daggy and Orr demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beardsley, Boone, Bowman, Carnahan, Chapman, Daggy, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Scott), Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Orr, Ringo, Rosebrugh, Sarnighausen, Slater, Steele, Stroud, Thompson and Williams—30.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Bird, Cave, Collett, Friedley (of Lawrence), Glessner, Scott and Taylor—9.

So the motion to lay on the table was agreed to.

Mr. Scott moved to amend by reinstating section forty-five.

Mr. Dittemore moved to lay the motion on the table.

Which was agreed to.

Mr. Slater offered the following amendment to the bill:

Amend section two by striking out \$1,500 for contingent expenses of the Auditor of State, and one thousand each for the contingent fund of the Secretary and Treasurer of State. Also strike out of the section \$15.00 for the contingent expenses of the Auditor of State, and \$10.00 for the contingent fund of the Secretary and Treasurer of State.

Mr. Slater demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being on the adoption of the amendment offered by Mr. Slater,

Messrs. Gregg and Slater demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beardsley, Bowman, Bunyan, Carnahan, Chapman, Fuller, Friedley (of Scott), Gregg, Haworth, Hough, Hubbard, Miller, Neff, Orr, Ringo, Rosebrugh, Slater and Winterbotham—18.

Those who voted in the negative were, Messrs. Armstrong, Beeson, Bird, Boone, Brown, Cave, Daggy, Daugherty, Dittemore, Dwiggin, Francisco, Friedley (of Lawrence), Glessner, Gooding, Hall, Harney, Howard, Sarnighausen, Scott, Sleeth, Smith, Stroud, Taylor, Thompson and Williams—26.

So the amendment was not adopted.

Mr. Williams offered the following amendment:

SECTION —. To John C. Shoemaker for incidental expenses of Auditor of State's office for the years 1871 and 1872, the sum of \$3,000.

To James B. Ryan for incidental expenses of the Treasurer of State's office, to include the costs of exchange on the transmission of funds to New York for the years 1871 and 1872, \$2,000.

The question being on the adoption of the amendment.

Messrs. Chapman and Haworth demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Boone, Bowman, Brown, Carnahan, Cave, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Lawrence), Glessner, Hall, Harney, Howard, Hubbard, Rosebrugh, Sarnighausen, Scott, Sleeth, Smith, Steele, Stroud, Taylor, Thompson and Williams—30.

Those who voted in the negative were, Messrs. Beardsley, Bunyan, Chapman, Collett, Gooding, Gregg, Haworth, Hough, Miller, Neff, Orr, Rhodes, Ringo, Slater and Winterbotham—15.

So the amendment was adopted.

On motion by Mr. Dittemore the Senate took a recess until 7½ o'clock, p. m.

EVENING SESSION.

Senate re-assembled, 7½ o'clock, p. m.

The President announced that he had signed Enrolled acts of the House numbers 256 and 189, and Enrolled acts of the Senate numbers 305 and 106.

Mr. Daggy moved that the Senate do now adjourn.

Which was not agreed to.

Mr. Dittemore moved a call of the Senate.

Those who answered to their names were, Messrs. Beardsley, Beeson, Bird, Boone, Brown, Bunyan, Cave, Chapman, Daggy, Dittemore, Dwiggins, Gregg, Haworth, Hough, Miller, Orr, and Ringo—17.

Mr. Cave moved that further proceedings under the call be dispensed with.

Which was agreed to.

On motion by Mr. Dittemore the Senate adjourned.

LEONIDAS SEXTON,

President of the Senate.

SATURDAY MORNING.

MARCH 8, 1873, 9:30 o'clock.

Senate met.

On motion by Mr. Bunyan, the reading of the journal of yesterday was dispensed with.

Mr. Wadge moved to take up Senate Joint Resolution No. 20. A joint resolution in relation to the management of State Prisons.

S. J.—63

Messrs. Daugherty and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs, Armstrong, Beardsley, Beeson, Chapman, Dwiggin, Haworth, Howard, Miller, Neff, Orr, Rhodes, Sarnighausen, Scott and Sleeth—14.

Those who voted in the negative were, Messrs. Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Daggy, Daugherty, Dittemore, Francisco, Glessner, Gooding, Gregg, Hall, Harney, Hough, Ringo, Slater, Smith, Stroud, Thompson, Wadge, Williams and Winterbotham—24.

So the motion to take up the resolution did not prevail

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following bill, to-wit:

Engrossed House bill No. 542—a bill in relation to the laying out, opening, widening, and altering of water courses by the cities of this State, and providing for the appointment of commissioners to assess benefits and damages, prescribing their duties and the method of procedure, etc., and the same is herewith transmitted to the Senate for its action thereon.

I am also directed to inform the Senate that the House has passed the following Senate bill, to-wit:

Engrossed Senate bill No. 333—a bill for the relief of the indigent cripples of the State of Indiana. And the same is herewith returned to the Senate.

I am also directed to inform the Senate that the House has failed to concur in the Senate amendments to the following House bills, to-wit:

Engrossed House bill No. 530—a bill to raise revenue for State purposes for the years 1873 and 1874.

Engrossed House bill No. 503—a bill regulating the convening and adjournment of grand juries.

And the Senate is respectfully requested to recede from its amendments to said bills.

I am also directed to inform the Senate that the House has concurred in the amendments of the Senate to the following House bills, to-wit:

House bill No. 339—a bill defining certain felonies and prescribing punishment therefor.

House bill No. 496—a bill relating to prosecutions by affidavit and information.

I am also directed to inform the Senate that the House has agreed to the amendments of the Senate to House amendments to Senate bill No. 289—entitled “A bill to fix the salaries of the judges of the Supreme Court of the State,” etc.

And the same is herewith returned to the Senate.

Message from the Governor, by Samuel R. Downey, his Private Secretary :

MR. PRESIDENT :

By direction of the Governor I have the honor to respectfully inform the Senate that his Excellency did, on yesterday, in conformity to the requirements of an act of the General Assembly entitled “An act to provide for the submission to the qualified electors of this State, for their ratification or rejection, a proposed amendment to the Constitution of Indiana therein mentioned, and declaring an emergency,” approved January 28, 1873, issue his proclamation, in which he declared and proclaimed said proposed amendment, which reads as follows, to-wit: No law or resolution shall ever be passed by the General Assembly of the State of Indiana that shall recognize any liability of this State to pay or redeem any certificate of stock issued in pursuance of an act entitled “An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville,” passed January 19, 1846, and an act supplemental to said act passed January 29, 1847, which, by the provisions of the said acts, or either of them, shall be payable exclusively from the proceeds of the canal lands, and the tolls and revenues of the

canal in said acts mentioned, and no such certificate of stocks shall ever be paid by this State. A part and parcel of the Constitution of the State of Indiana, to be forever known and designated as section seven of article ten.

Mr. Neff moved to take up Senate bill No. 267.

Which was agreed to.

Mr. Neff moved to strike out the second section of the bill.

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Boone, Bowman, Brown, Bunyan, Carnahan, Chapman, Collett, Daggy, Daugherty, Dwiggins, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gregg, Haworth, Hough, Howard, Hubbard, Miller, Neff, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Stroud, Thompson, Wadge, Williams and Winterbotham—36.

Those who voted in the negative were, Messrs. Armstrong, Cave, Francisco and Harney—4.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills report that they have this day presented to the Governor Senate bill No. 106 for his approval—an act to prescribe, etc. Also Senate enrolled bill No. 305.

Mr. Collett submitted the following report:

MR. PRESIDENT :

The Committee on Enrolled Bills have had under consideration, and find correctly enrolled, the following bills: House bills Nos. 504, 476, 195, 339 and 434.

Mr. Ringo moved to take up engrossed House bill No. 436.

Which was agreed to.

Engrossed House bill No. 436—a bill to amend sections 109, 110, 111 and 118 of an act entitled an act to provide for a general system of common schools, the officers thereof and their respective powers and duties, etc., approved March 6, 1865, was read a first time.

Mr. Ringo moved to suspend the constitutional rule requiring bills to be read on three several days, and read the bill a second time by title and a third time by sections.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Chapman, Collett, Daggy, Daugherty, Dwiggins, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Stroud, Taylor, Thompson, Wadge, Williams and Winterbottom—41.

No Senator voting in the negative.

So the constitutional rule was suspended, and Engrossed House bill No. 436—a bill to amend sections 109, 110, 111 and 118, of an act entitled an act to provide for a general system of common schools thereof, and their respective powers and duties, etc., approved March 6, 1865, was read a second time by title and a third time by sections.

Mr. Hough submitted the following amendment:

Amend section one by inserting after the figures "1865," the words "as amended by an act amendatory thereof which took effect March 11, 1867." Also, amend section two by inserting after

the word "act," in line one, the words as amended by said amendatory act of 1867. Also, amend section three by inserting in line two, after the word "act," the words as amended by said amendatory act of 1867. Also, amend section four by inserting in line one after the word "act," the words as amended by said amendatory act of 1867. Also, amend title by inserting after the figures "1865" in line six, these words, as amended by an act which took effect March 11, 1867.

Which were adopted.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bowman, Brown, Bunyan, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Orr, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—44.

Messrs. Bird, Carnahan and Cave voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Dwiggins offered the following resolution:

Resolved, That the revenue, printing and appropriation bills shall be privileged, and may be considered at any time; and

Resolved, That the order of business shall be: First—House bills on second reading. Second—House bills on third reading. Court bills on first reading excepted.

Which was adopted.

Mr. Hall submitted the following report :

MR. PRESIDENT :

The Committee on Engrossed Bills report that they have carefully compared the engrossed amendments to engrossed House Bill No. 531, the general appropriation bill, and find the amendments correctly engrossed, with the exception that section forty-seven, as amended by the Senate is not intelligible, and this Committee on the recommendation of the Committee on Finance, recommend that engrossed amendments shall read, "strike out all after the word officers" in section forty-seven, line eleven.

Mr. Collett submitted the following report :

MR. PRESIDENT :

The Committee on Enrolled Bills have had under consideration and correctly find enrolled, the following bills : Nos. 74, 206, 120, 250, 155 and 24.

Mr. Taylor moved to take up engrossed House bill No. 531.

Which was agreed to.

Engrossed House bill No. 531—an act making general appropriation for 1873 and 1874.

Which was read a third time.

By unanimous consent, Mr. Williams offered the following amendment :

Amend section — by striking out \$3,000 and \$15,000 and insert \$4,000, making \$20,000.

Amend section — by striking out \$76,000 and insert \$95,000.

Which was adopted.

The question being shall the bill pass.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dwiggin, Fran-

cisco, Friedley, (of Scott,) Friedley, of (Lawrence,) Gooding, Gregg Hall, Harney, Hough, Howard Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge and Williams—42.

Messrs. Glessner and Haworth voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Message from the house by W. Nixon clerk thereof.

MR. PRESIDENT:

I am directed by the speaker of the House of Representatives to inform the Senate that he has signed the following enrolled acts to-wit:

Enrolled act No. 504—an act supplementary and amendatory of an act entitled, "An act to provide for a uniform assessment of property and for the collection and return of taxes thereon, approved December 21, 1872.

Enrolled act No. 476—an act relating to prosecution by affidavit and information.

Enrolled act No. 195—an act to amend the first section of an act entitled, "An act to incorporate the University of Notre Dame Du Lac at South Bend St. Joseph county, Indiana, approved January 15, 1844.

Enrolled act No. 339—an act defining certain felonies and prescribing punishment therefor.

Enrolled act No. 434, House of Representatives, an act supplementary to an act entitled an act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdermain, approved June 15, 1852.

Enrolled act No. 48, Senate, an act to amend sections one, seven and eight, of an act entitled, "An act to establish a home for the maintenance of sick and disabled Indiana soldiers and seamen, and their orphans and widows," and the same are herewith transmitted to the Senate for the signature of the President thereof.

Mr. Taylor submitted the following report :

MR. PRESIDENT :

The Committee on Finance to whom was referred Senate bill No. 535, being specific appropriation bill, have had the same under consideration and recommend its passage with the following amendments :

SECTION —. *Be it enacted by the General Assembly of the State of Indiana,* That Weams Heagy be allowed the sum of seven dollars and fifty cents in full as witness in the case of Kline v. Burson.

SEC. —. That Caleb Johnson be allowed the sum of nine dollars and fifty cents as witness in the case of Kline v. Burson.

SEC. —. That Joseph T. Kirkwood, be allowed the sum of fourteen dollars and twenty cents, as witness in the case of Kline v. Burson.

SEC. —. That Richard Lake be allowed the sum of five dollars and ten cents, as witness in the case of Kline v. Burson.

SEC. —. That Simeon Knight be allowed the sum of twenty-four dollars and eighty cents as witness in the case of Kline v. Burson.

SEC. —. That Geo. W. McGraw be allowed the sum of nine dollars and sixty cents as witness in the case of Kline v. Burson.

SEC. —. H. K. Rockenfind, be allowed the sum of five dollars and eighty cents as witness in the case of Kline v. Burson.

SEC. —. That Howell D. Thompson, be allowed the sum of fourteen dollars and ten cents as witness in the case of Kline v. Burson.

SEC. —. That James Daugherty, be allowed the sum of eleven dollars and ten cents, as witness in the case of Kline v. Burson.

SEC.— That Julius Boetticher be allowed the sum of sixty dollars for the “*Volksblatt*,” furnished the Senate during the Special Session 1872.

SEC. — That Osborn and Calkins be allowed the sum of four hundred dollars for services performed for the State by the employment of the Governor.

SEC. —. That Adams, Mansur & Co. be allowed the sum of two hundred and fifty dollars and fifty-eight cents for material furnished the Senate at Special Session.

SEC. —. That Speigel & Thoms be allowed the sum of seventy-seven dollars for furniture furnished the Senate at the special session.

SEC. —. That William Shideler be allowed the sum of fourteen dollars as witness in the case of *Kline vs. Burson*.

SEC. —. That Thomas N. Stillwell be allowed the sum of six dollars and sixty cents as witness in the case of *Kline vs. Burson*.

SEC. —. That Fleming L. Luse be allowed the sum of five dollars and ten cents as witness in the case of *Kline vs. Burson*.

SEC. —. That O. M. Eddy be allowed the sum of nine hundred and ninety dollars and ten cents for extra work done in the office of Secretary of State.

SEC. —. That the Indianapolis Journal be allowed the sum of five hundred and ninety-four dollars and twenty-seven cents for copies of Journal furnished at present session.

SEC. —. That Benjamin F. Beeson be allowed the sum of nine dollars and ten cents as witness in the case of *Kline vs. Burson*.

SEC. —. That William Beeson be allowed the sum of nine dollars and ten cents as witness in the case of *Kline vs. Burson*.

SEC. —. That Milton S. Robinson be allowed the sum of five dollars and ten cents as witness in the case of *Kline vs. Burson*.

SEC. —. That Cornelius Daugherty be allowed the sum of thirty dollars as constable in the case of Kline vs. Burson.

SEC. —. That W. H. H. Terrell be allowed the sum of two hundred and fifty dollars for services rendered the state in procuring payment of a claim against the General Government.

SEC. —. That James Alexander be allowed the sum of eight dollars and forty cents as witness in the case of Kline vs. Burson

SEC. —. That David Buchanan be allowed the sum of nine dollars and ninety cents as witness in the case of Kline vs. Burson

SEC. —. That Jesse Faulkner be allowed the sum of fourteen dollars and ten cents as witness in the case of Kline vs. Burson.

SEC. —. That A. G. Kirkwood be allowed the sum of eleven dollars and ten cents as witness in the case of Kline vs. Burson.

SEC. —. That James S. Regdon be allowed the sum of seventeen dollars and ten cents as witness in the case of Kline vs. Burson.

SEC. —. That George Benery be allowed the sum of eight dollars and forty cents as witness in the case of Kline vs. Burson.

SEC. —. That David Hial be allowed the sum of eleven dollars and thirty cents as witness in the case of Kline vs. Burson.

SEC. —. That Geo. W. Robinson be allowed the sum of eight dollars and forty cents as witness in the case of Kline vs. Burson.

SEC. —. That William N. Jackson be allowed the sum of eleven dollars and forty cents as witness in the case of Kline vs. Burson.

SEC. —. That C. W. Riggs be allowed the sum of twelve dollars as witness in the case of Kline vs. Burson.

SEC. —. That Wm. J. Faulkner be allowed the sum of fourteen dollars and ten cents, as witness in the case of Kline vs. Burson.

SEC. —. That Geo. W. Taylor be allowed the sum of fourteen dollars and ninety cents, as witness in the case of Kline vs. Burson.

SEC. —. That Lewis P. Evert be allowed the sum of nine dollars and ninety cents as witness in the case of Klien vs. Burson.

SEC. —. That Wm. W. Walker be allowed the sum of eleven dollars and forty cents, as witness in the case of Klien vs. Burson.

SEC. —. That S. A. Wilson be allowed the sum of eleven dollars and forty cents as witness in the case of Klien vs. Burson.

SEC. —. That S. F. Brady be allowed the sum of eleven dollars and forty cents, as witness in the case of Klien vs. Burson.

SEC. —. That Henry Crawford be allowed the sum of five hundred dollars in full for professional services in State ex rel. vs. L., N. A. & C. R. R., in the Floyd Common Pleas Court and in the Supreme Court.

SEC. —. That Aaron Manning be allowed the sum of eight dollars and forty cents, as witness in the case of Klien vs. Burson.

SEC. —. That Eber. L. Graves be allowed the sum of nine dollars and ninety cents, as witness in the case of Klien vs. Burson.

SEC. —. That W. H. H. Hatfield be allowed the sum of twelve dollars and ninety cents, as witness in the case of Klien vs. Burson.

SEC. —. That John A. Gilbert be allowed the sum of fourteen dollars and ninety cents, as witness in the case of Klien vs. Burson.

SEC. —. That H. C. Klien be allowed the sum of eleven dollars and forty cents, as witness in the case of Klien vs. Burson.

SEC. —. That Walter Evert be allowed the sum of nine dollars and ninety cents as witness in the case of Klien vs. Burson.

SEC. —. That James V. Blunt be allowed the sum of eleven dollars and forty cents as witness in the case of Klien vs. Burson.

SEC. —. That John M. Russey be allowed the sum of twelve dollars and ninety cents as witness in the case of Klien vs. Burson.

SEC. —. That Geo. W. Hawk be allowed the sum of nine dollars and ninety cents as witness in the case of Klien vs. Burson.

SEC. —. That A. E. and W. H. Drapier be allowed for the same number of copies of the Brevier Legislative Reports of the Forty-eighth General Assembly as have been furnished every session since 1851, the same price paid per page the last several volumes.

SEC. —. That John Jones be allowed the sum of five dollars for raising coal from cellar of State House, for use of Senate.

SEC. —. That John F. Fears be allowed the sum of fifteen dollars for services performed as constable for Railroad Committee for Senate.

SEC. —. That R. S. Sproule be allowed the sum of fifty dollars for ten days' services as stationery clerk of the Legislature.

SEC. —. That H. C. Klein be allowed the sum of fourteen dollars and eighty cents as witness in the case of Klein vs. Burson.

SEC. —. That Murphey, Johnston & Co. be allowed the sum of forty dollars and seventy cents for delain and prints furnished the Senate at Special Session.

SEC. —. That Amos L. Wilson be allowed the sum of eleven dollars and forty cents as witness in the case of Klein vs. Burson.

SEC. —. That John R. Ervin be allowed the sum of eight dollars and forty cents as witness in the case of Klein vs. Burson.

SEC. —. That Mathew L. Brett be allowed the sum of one thousand three hundred and sixty dollars paid out by him through mistake while he was Treasurer of State, which sum has by some unknown person been paid over to Treasurer of State as school fund.

SEC. —. That John Abrams be allowed the sum of five dollars for raising coal from cellar of State House for use of Senate.

SEC. —. That Joseph Hinton be allowed the sum of nine dollars and fifty cents as witness in the case of Klein vs. Burson.

SEC. —. That John F. Wildman be allowed the sum of six dollars and sixty cents as witness in the case of Klein vs. Burson

SEC. —. That Austin Reed be allowed the sum of twelve dollars and eighty cents as witness in the case of Klein vs. Burson.

SEC. —. That Edward R. Charman be allowed the sum of eleven dollars and ten cents as witness in the case of Klein v. Burson.

SEC. —. That Joseph Fulter be allowed the sum of five dollars and ten cents as witness in the case of Klein v. Burson.

SEC. —. That A. D. Williams be allowed the sum of eleven dollars and ten cents as witness in the case of Klein v. Burson.

SEC. —. That Mitchell & Rammelsburg, be allowed the sum of thirty-four dollars for furniture and bedding as per bill rendered.

SEC. —. That J. P. Williams be allowed the sum of ten dollars and eighty cents, as witness in the case of Klein v. Burson.

SEC. —. That Henry Coleman be allowed the sum of twenty dollars for washing twenty dozen towels.

SEC. —. That W. H. English be allowed four hundred dollars for rent of Committee Rooms.

SEC. —. That the Indianapolis Sentinel Company be allowed the sum of five hundred and thirty dollars and forty cents for Sentinels furnished Senate at present session.

SEC. —. That Liberty Green be allowed the sum of twenty dollars as witness in the case of Klein v. Burson.

SEC. —. That Wm. Cox be allowed the sum of nineteen dollars and twenty cents as witness in the case of Klein v. Burson.

SEC. —. That Jno. R. McKinney be allowed the sum of fourteen dollars as witness in the case of Klein v. Burson.

SEC. —. That P. H. Swain, sheriff of Delaware county be allowed the sum of twenty dollars for services rendered in the case of Klein v. Burson.

SEC. —. That the sum of five thousand dollars be appropriated for additional salary of the Supreme Judges, being one thousand dollars each.

SEC. —. That the sum of nineteen thousand dollars be appropriated for additional salary to Judges of the circuit courts, being five hundred dollars each.

Which was concurred in.

Engrossed House bill No. 535—a bill making specific appropriation for the year one thousand eight hundred and seventy three.

Which was read a second time.

Mr. Taylor moved to amend by striking out section "five."

Mr. Bird moved to lay the amendment on the table.

Messrs. Bird and Daugherty demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Bird, Boone, Bowman, Brown, Carnahan, Cave, Daugherty, Dittmore, Francisco, Gooding, Harney, Howard, Rosebrugh, Sarnighausen, Wadge and Williams—17

Those who voted in the negative were, Messrs. Beeson, Bunyan, Chapman, Collett, Daggy, Dwiggin, Friedley, (of Scott,) Friedley, (of Lawrence), Glessner, Gregg, Hall, Haworth, Hough, Hubbard, Miller, Neff, Oliver, Orr, Rhodes, Ringo, Scott, Slater, Steele, Stroud, Taylor and Thompson—26.

So the motion to lay on the table, did not prevail.

The question being on the adoption of the amendment.

It was adopted.

Mr. Taylor moved to amend by striking out section "thirteen."

Mr. Brown moved to lay the motion on the table.

Which was not agreed to.

The question being on the adoption of the amendment.

It was adopted.

Mr. Taylor moved to amend by striking out section "fourteen."

Which was adopted.

Mr. Taylor moved to amend by striking out section "fifteen."

Which was adopted.

Mr. Taylor moved to strike out section "twenty two."

Which was agreed to.

Mr. Taylor moved to strike out section "twenty-five."

Which was agreed to.

Mr. Taylor moved to amend by striking out section "sixteen."

Mr. Daugherty offered the following substitute: Amend section "twenty six" by striking out one hundred dollars and insert three hundred dollars.

The question being on the adoption of the substitute.

Messrs. Daugherty and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Bird, Boone, Daugherty, Dittemore, Fuller, Francisco, Friedley, (of Lawrence,) Glessner, Gooding, Gregg, Hall, Orr, Rosebrugh, Sarnighausen, Smith, Sleeth, Williams and Winterbotham—19.

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Boone, Bowman, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Dwiggin, Friedley (of Scott), Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Rhodes, Ringo, Scott, Slater, Sleeth, Stroud, Taylor, Thompson and Wadge—29.

So the substitute was not adopted.

The question being on the adoption of the motion to strike out section twenty-six,

It was agreed to.

Mr. Taylor moved to strike out section thirty-one.

Which was agreed to.

Mr. Taylor moved to strike out section thirty-three.

Which was agreed to.

Mr. Taylor moved to amend section nine so as to insert description of land.

Which was agreed to.

Mr. Slater moved to strike out section eight of the bill.

Which was agreed to.

Mr. Slater moved to strike out section ten.

Which was agreed to.

Mr. Slater moved to strike out section eleven.

Messrs. Williams and Slater demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Bunyan, Daugherty, Gregg, Haworth, Neff and Slater—6.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Carnahan, Cave, Chapman, Collett, Daggy, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gooding, Hall, Harney, Hough, Howard, Hubbard, Miller, Oliver, Orr, Ringo, Rosebrugh, Sarnighausen, Scott, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—40.

So the motion to strike out section eleven did not prevail.

Mr. Slater moved to strike out section twelve.

Messrs. Slater and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Bird, Bowman, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Francisco, Friedley (of Lawrence), Gregg, Miller, Orr, Slater, Smith and Williams—19.

Those who voted in the negative were, Messrs. Beeson, Brown, Dwiggins, Glessner, Gooding, Hall, Harney, Haworth, Hough, Howard, Hubbard, Neff, Oliver, Ringo, Rosebrugh, Sarnighausen, Scott, Sleeth, Steele, Stroud, Taylor, Thompson, Wadge and Winterbotham—24.

So the motion to strike out section twelve did not prevail.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following bill, to-wit:

Engrossed House bill No. 532—a bill authorizing the Governor, Auditor and Treasurer of State to make temporary loans. And the same is herewith transmitted to the Senate for its action thereon.

Senate bill No. 325—a bill to authorize the Governor of the State to exchange with Peter Donnelly certain lands therein described.

Senate bill No. 239—a bill authorizing incorporated cities containing a population of fifteen thousand to make loans, and prescribing rules and regulations concerning the borrowing of money by such cities.

Senate bill No. 222—a bill making it unlawful for owner or owners, proprietor or proprietors of billiard tables to suffer or permit minors to play at or upon the same, etc.

And the same is herewith returned to the Senate.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following bills, to-wit:

Senate bill No. 345—a bill to amend section forty of an act entitled "An act to divide the State into circuits for judicial purposes, fixing the time of holding courts, abolishing the courts of common pleas, etc."

Senate bill No. 34—a bill to amend section ninety of an act entitled "An act to revise, simplify and abridge the rules, practice, pleading and forms in criminal action in the courts of this State," approved June 17, 1852, and declaring an emergency.

And the same are herewith returned to the Senate.

The President announced that he had signed enrolled acts of the

House, Nos. 504, 476, 195, 339, 434, and enrolled act of the Senate No. 48.

On motion, by Mr. Brown, the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION:

Senate re-assembled at two o'clock.

Mr. Hall submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills have carefully compared Engrossed Senate bill No. 176, and report same correctly enrolled.

Mr. Hall submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills have this day handed to the Governor for his approval Senate Enrolled bills Nos. 504, 476, 195, 339 and 434.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills have compared, examined and find correctly enrolled House bill No. 224.

Mr. Gooding submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 340, entitled "An act in relation to Purdue University and for the reorganization of the Board of Trustees thereof, have had the same under consideration and direct me to report the same back with the recommendation that it do pass.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled acts, to-wit :

Enrolled act No. 24, Senate—an act to amend section thirty of an act entitled “An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto,” approved December 20, 1865, and declaring an emergency.

Enrolled act No. 250, of the Senate—an act to further prescribe the duties of the Secretary of State and to provide for the necessary arrangements, clerks and expenses of his office.

Enrolled act No. 155, of the Senate—an act to provide for the reimbursement to certain counties therein named, of certain taxes illegally assessed and collected for the year 1869 and paid into the State Treasury and declaring an emergency.

Enrolled act No. 206, Senate—an act to encourage agriculture and agricultural fairs by the purchase and improvement of fair grounds.

Enrolled act, No. 120, Senate—an act to protect the ballot box to procure a fair election, to define felonies and prescribe punishments therefor.

Enrolled act No. 74, Senate—an act to legalize the acts and proceedings of boards of county commissioners in certain cases and declaring an emergency.

And the same are herewith returned to the Senate for the signature of the President thereof.

Enrolled act No. 224, H. R.—an act to amend the first section of an act, approved January 14 1846, entitled, “An act to incorporate the Female Seminary of St. Mary’s of the Woods, etc.

And the same is herewith transmitted to the Senate for the signature of the President thereof.

I am also directed to inform the Senate that the House has passed the following bills to-wit :

Engrossed House bill No. 540—a bill authorizing prosecuting attorneys to prosecute the pleas of the State before justices of the peace.

And the same is herewith transmitted to the Senate for its action thereon.

Engrossed Senate bill No. 346—a bill to fix the times of holding the courts in the thirty-eighth judicial circuit, and to continue in force certain provisions of law applicable thereto, and declaring an emergency.

Senate bill No. 294—a bill to amend the fifteenth section of an act entitled, "An act prescribing the manner of compelling officers to give new bonds and additional sureties," approved May 31, 1852.

Senate bill No. 73—a bill to amend sections fifteen and sixteen of an act, entitled "An act for the incorporation of towns defining their powers, providing for the election of the officers thereof and declaring their duties," etc., and the same is herewith returned to the Senate.

Also that the House has passed with House amendments thereto, Senate Joint Resolution No. 16—a joint resolution in relation to railroad corporations, and defining the duties, and giving directions to the Attorney General as to suits and proceedings now pending, and which may hereafter be brought.

Engrossed amendments of the House of Representative to Senate Joint Resolution No. 16: Amend by striking out the proviso in said resolution, and inserting the following in lieu thereof:

Provided, That any suit or suits now pending or which may hereafter be brought shall be dismissed, adjusted, settled or compromised, whenever the same shall be directed in writing by the Governor and Lieut. Governor, and upon such terms and conditions as they shall direct, and the Senate is respectfully requested to concur in said amendments.

The question pending on the Senate taking a recess, was the motion to strike out sections eight and ten of Engrossed House bill No. 535.

Mr. Brown moved to lay the motion on the table.

Which was agreed to.

Mr. Glessner offered the following amendment:

SEC. —. That there be and is hereby allowed to the Indiana Horticultural Society the sum of \$300 to enable such society to collect and exhibit specimens of fruit at the American Pomological Society to be held at the city of Boston in September, 1873.

Mr. Steele moved to lay the amendment on the table.

Which was agreed to.

Mr. Scott offered the following amendment:

SEC. —. For repairing the State Normal School building, not exceeding \$5,000 to be paid on the order of the trustees of said Normal School upon vouchers showing work done.

Mr. Dittmore moved to lay the amendment on the table.

Which was agreed to.

Mr. Glessner offered the following amendment:

SEC. —. That Bayliss W. Hanna, Esq., Attorney General, be allowed the sum of \$1,500.00, balance due him on claim filed for extra services rendered for the State during his term of office under the direction of a joint resolution adopted by the General Assembly at the regular session of 1871.

Mr. Orr moved to lay the amendment on the table.

Which was agreed to.

Mr. Friedley, of Lawrence, offered the following amendment: Amend by striking out section —, page 13, appropriating \$1,360.00 to Mathew L. Brett.

The question being on the adoption of the amendment,

Messrs. Brown and Williams demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Bird, Bowman, Carnahan, Cave, Collett, Daugherty, Dittmore,

Fuller, Francisco, Glessner, Gregg, Hall, Harney, Ringo, Rosebrugh, Sarnighausen, Slater, Smith, Wadge, Williams and Winterbotham—22.

Those who voted in the negative were, Messrs. Beardsley, Beeson, Boone, Brown, Bunyan, Chapman, Daggy, Dwiggin, Friedley (of Scott), Friedley (of Lawrence), Gooding, Haworth, Hough, Hubbard, Miller, Neff, Oliver, Orr, Rhodes, Scott, Sleeth, Steele, Taylor and Thompson—24.

So the motion to lay on the table did not prevail.

The question recurring on the adoption of the amendment.

It was adopted.

Mr. Dittemore asked leave to withdraw the claim of Mr Brett.

Which was granted.

Mr. Taylor offered the following amendment:

Amend section — by inserting the words "special and" before the word "regular."

Which was adopted.

Mr. Slater offered the following amendment:

SECTION —. That there be allowed and paid to William P. and Edward P. Gallup, the sum of nineteen thousand five hundred dollars in consideration of the real estate sold by them to the State of Indiana, as is authorized and directed by Joint Resolution No. 12, of the Senate, confirming the purchase of additional grounds whereon to erect a new State House, approved March 5, 1873.

Which was adopted.

Mr. Williams offered the following amendment:

SECTION —. To Patrick Shannon for incidental expenses of the office of agent of State for the years 1871 and 1872, five thousand dollars.

The question being, on the adoption of the amendment.

Mr. Steele moved to lay the amendment on the table.

Messrs. Dittemore and Steele demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Bunyan, Chapman, Daggy, Friedley (of Scott), Gooding, Haworth, Hough, Howard, Miller, Neff, Orr, Rhodes, Sleeth and Steele—16.

Those who voted in the negative were, Messrs. Armstrong, Bird, Boone, Bowman, Brown, Carnahan, Cave, Daugherty, Dittemore, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gregg, Hall, Harney, Oliver, Ringo, Rosebrugh, Sarnighausen, Scott, Smith, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—28.

So the motion to lay on the table did not prevail.

The question recurring on the adoption of the amendment.

Messrs. Hough and Neff demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Bird, Boone, Bowman, Brown, Carnahan, Cave, Daugherty, Dittemore, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gregg, Hall, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Smith, Stroud, Taylor, Wadge, Williams and Winterbotham—26.

Those who voted in the negative were, Messrs. Beardsley, Beeson, Bunyan, Daggy, Friedley (of Scott), Gooding, Harney, Haworth, Hough, Hubbard, Miller, Neff, Oliver, Orr, Rhodes, Sleeth and Steele—17.

So the amendment was adopted.

Mr. Daugherty moved to reconsider the vote concurring in the report of the committee on the bill.

Messrs. Daugherty and Slater demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Bird, Boone, Carnahan, Cave, Daugherty, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Harney, Rhodes, Ringo, Sarnighausen, Slater, Smith, Stroud, Williams and Winterbotham—22.

Those who voted in the negative were, Messrs. Beardsley, Beeson, Bunyan, Daggy, Friedley (of Scott), Haworth, Hough, Hubbard, Miller, Oliver, Orr, Scott, Sleeth, Steele, Taylor and Thompson—16.

So the motion to reconsider was agreed to.

Mr. Daugherty offered the following amendment to the report of the committee :

Strike out all the claims in the Burson vs. Klein case.

Mr. Daggy moved to concur in the report of the committee.

Mr. Dittemore moved to lay the motion on the table.

Messrs. Dittemore and Daugherty demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Bird, Boone, Carnahan, Cave, Daugherty, Dittemore, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gregg, Hall, Harney, Neff, Rhodes, Ringo, Sarnighausen, Slater, Stroud, Williams and Winterbotham—21.

Those who voted in the negative were, Messrs. Beardsley, Beeson, Bunyan, Collett, Daggy, Dwiggins, Friedley (of Scott), Gooding, Haworth, Hough, Howard, Miller, Oliver, Orr, Scott, Sleeth, Steele, Taylor and Thompson—19.

So the motion to lay on the table was agreed to.

The question recurring on the adoption of the amendment offered by Mr. Daugherty.

Messrs. Daugherty and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Bird, Bowman, Brown, Carnahan, Cave, Daugherty, Dittemore, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gregg, Hall, Harney, Rhodes, Ringo, Sarnighausen, Slater, Smith, Stroud and Winterbotham—21.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Beeson, Boone, Bunyan, Chapman, Collett, Daggy, Dwiggins, Friedley (of Scott), Gooding, Haworth, Hough, Howard, Miller, Neff, Oliver, Orr, Rosebrugh, Scott, Sleeth, Steele, Taylor, Thompson and Williams—25.

So the amendment was not adopted.

Mr. Dittemore moved to reconsider the vote on the adoption of the amendment offered by Mr. Glessner.

Which was not agreed to.

Mr. Brown moved to consider the amendments engrossed, suspend the constitutional rule requiring bills to be read on three several days and read the bill a third time now.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Boone, Brown, Bunyan, Chapman, Collett, Daggy, Dittemore, Dwiggins, Friedley (of Scott), Friedley (of Lawrence), Gooding, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Smith, Steele, Taylor, Thompson, Wadge, Williams and Winterbotham—34.

Messrs. Bird, Bowman, Carnahan, Cave, Daugherty, Gregg, Rosebrugh, Slater and Smith voting in the negative—9.

So the constitutional rule was suspended and engrossed House bill No. 535—a bill making specific appropriations for the year 1873 was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Chapman, Collett, Daggy, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Hall, Haworth, Hough, Howard, Hubbard, Miller, Oliver, Orr, Sarnighausen, Scott, Sleeth, Steele, Taylor, Thompson, Wadge and Williams—33.

Those who voted in the negative were, Messrs. Carnahan, Cave, Glessner, Gooding, Gregg, Harney, Neff, Rhodes, Ringo, Slater, Smith and Winterbotham—12.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

The President announced that he had signed enrolled acts of the Senate Nos. 74, 120, 155, 250, 24 and 216, and enrolled act of the House No. 224.

Mr. Hall submitted the following report:

MR. PRESIDENT:

The Joint Committee on Engrossed Bills report Senate enrolled bills Nos. 333 and 222 correctly enrolled.

Mr. Chapman moved to take up engrossed House bill No. 530-

Which was agreed to.

Mr. Friedley, of Lawrence, moved to recede from the amendments of the Senate.

Messrs. Williams and Chapman demanded the ayes and noes.

Those who voted in the affirmative were, Messrs Armstrong, Bird, Boone, Bowman, Brown, Carnahan, Daggy, Daugherty, Ditemore, Fuller, Friedley (of Lawrence,) Gooding, Harney, Hough, Hubbard, Sarnighausen, Slater, Sleeth, Steele, Taylor, Williams, Winterbotham and Mr. President—23.

Those who voted in the negative were, Messrs. Beardsley, Beeson, Bunyan, Cave, Chapman, Collett, Dwiggin, Francisco, Friedley (of Scott,) Glessner, Haworth, Howard, Miller, Neff, Oliver, Orr, Rhodes, Ringo, Scott, Smith, Thompson and Wadge—22.

So the motion to recede was agreed to.

Mr. Taylor moved to take up engrossed House bill No. 532.

Which was agreed to.

Engrossed House bill No. 532—an act authorizing the Governor, Auditor and Treasurer of State to make temporary loans.

Which was read a first time.

Mr. Brown moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill be read a second time by title, and a third time by sections.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Collett, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Smith, Steele, Taylor, Thompson, Wadge and Winterbotham—41.

Messrs. Gregg and Slater voting in the negative.

So the constitutional rule was suspended, and engrossed House bill No. 532—an act authorizing the Governor, Auditor and Treasurer of State to make temporary loans—was read a second time by title, and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Dwiggin, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Gooding, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—43.

Those who voted in the negative were, Messrs. Glessner, Gregg and Slater.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Sleeth moved to take up Engrossed House bill No. 377.

Which was agreed to.

Engrossed House bill No. 377—a bill declaratory of the laws of this State as to the eligibility of women to certain offices therein mentioned.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Brown, Bunyan, Collett, Daggy, Dittemore, Dwiggins, Friedley, (of Scott,) Friedley, (of Lawrence,) Gregg, Hall, Harney, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Orr, Rhodes, Ringo, Scott, Slater, Sleeth, Steele, and Thompson.—29.

Those who voted in the negative were, Messrs. Bird, Bowman, Boone, Carnanhan, Cave, Daugherty, Fuller, Francisco, Glessner, Gooding, Sarnighausen, Smith, Stroud, Williams and Winterbotham—15.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Message from the House by Mr. Nixon, Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that the House has passed, with the accompanying Engrossed House amendments, the following bill to-wit:

Senate bill No. 293—a bill supplemental to an act entitled “An act to provide for the election, fixing the compensation and prescribing the duties of the Attorney General of the State of Indiana,” etc.

Engrossed amendments of the House of Representatives to Senate bill No. 293: Amend by striking out all after the enacting clause, and insert in lieu thereof the following: “That the Attorney General of the State shall reside at Indianapolis, and keep an office there, and shall on all business days during business hours, be at said office in person or by deputy, unless engaged in court or elsewhere in the service of the State.”

SEC. 2. That in all cases where the prosecuting attorneys have failed for a year after the assessment of any fine or the forfeiture of any recognizance, or may hereafter for one year after the assessment of any fine or forfeiture of any recognizance, fail to institute proceedings to collect and pay into the proper Treasury any fine or forfeiture, it shall be the duty of the Attorney General to institute proceedings, and collect and have paid into the proper Treasury all such fines and forfeitures.

SEC. 3. That it shall be the duty of the Attorney General to keep a record of all opinions given by him to the Governor and the General Assembly or to any of the State officers, and an accurate account of all moneys collected or received by him, under the provisions of this act, in a substantially bound book, and to pay over to the proper officers all moneys collected at the end of each month.

SEC. 4. That the clerks of the several circuit courts be and are hereby required to make out and forward to the attorney general within ten days after the close of the term of each circuit court a statement of all fines assessed and forfeitures entered during each term, giving the names of the parties against whom such fines were assessed and forfeitures entered, and the names of surety or sureties in each case.

SEC. 5. That the said attorney general be required to keep his office in one of the lower rooms of the supreme court building until otherwise provided by law.

SEC. 6. That the said attorney general shall be paid a salary of three thousand dollars per annum, to be paid quarterly, out of

any moneys in the treasury not otherwise appropriated, from and after the commencement of the term of office of the present incumbent and a docket fee of ten dollars in all cases in which he may appear for the State, to be taxed against the losing party with the costs in said cause; *Provided*, that in no case shall such docket fees be taxed against the State of Indiana.

SEC. 7. The attorney general shall be required to attend to the interest of the State in all suits, actions or claims in which the State is or may become interested in the supreme court of this State.

SEC. 8. He shall be required to give his legal opinion to the Governor, whenever requested to do so, touching any question or point of law in which the interests of the State may be involved, and to give his opinion to any other State officer touching any question or point of law concerning the duties of any such officer, and likewise to either House of the General Assembly on the constitutionality of any existing or proposed law, whenever required so to do by resolution of such House.

SEC. 9. It shall be the further duty of the Attorney General to ascertain from time to time the amounts paid to any public officer of the State, or any county officer, or either person, for unclaimed witness fees, court docket fees, license money unclaimed in estates or guardianship, fines or forfeitures, or money that escheat to the State for want of heirs, or from any other source, where the same is by any law required to be paid by the State or any officer in trust for the State; and in all cases where the officers whose duty it shall be to collect the same shall fail, neglect, or refuse for twelve months after the claim of action in favor of the State shall have accrued, or shall fail, neglect, or refuse to sue for and proceed to recover any property belonging to, or which may escheat to the State, the said Attorney General shall institute, or cause to be instituted and prosecuted, all necessary proceedings to compel the payment of or recovery of any such property. For all collections made or property recovered under the provisions of this section, the Attorney General shall be allowed a commission of twenty per cent. on the first thousand dollars, ten per cent. on sums not exceeding two thousand dollars, and on all sums exceeding ten thousand dollars five per cent. And for the purpose of enabling the

Attorney General to ascertain the facts herein contemplated, it is hereby made the duty of the officers having the custody of any such moneys to report all the facts to said Attorney General, upon oath or affirmation, pertaining thereto, upon his demand in person, by deputy, or in writing; and any such officer failing to render such information upon such demand, shall be deemed guilty of misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars.

SEC. 10. The Attorney General shall be required to make annual reports to the Secretary of State on the first day of November in each year of the following statistics: All fines assessed and forfeitures entered in the State.

SEC. 11. That the Attorney General may employ and have such assistance to aid him in the discharge of the duties imposed upon him by the provisions of this act, and pay to them out of the sums so collected by such person or persons, a sum not exceeding ten per cent. of the sum or sums so collected.

SEC. 12. That the Attorney General shall have such clerks and deputies as the Governor, Secretary and Auditor of State may deem necessary, provided that not more than two thousand dollars shall be paid out of the Treasury in any one year for such purpose, the salary of such clerk or deputy to be paid out of any funds in the Treasury not otherwise appropriated on the certificate of said State officers.

SEC. 13. That all laws and parts of laws, coming in conflict with this act, be and the same are hereby repealed.

SEC. 14. It is hereby declared that an emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

And the same is herewith returned to the Senate and the Senate is respectfully requested to concur in said amendments.

Mr. Scott submitted the following report:

MR. PRESIDENT:

The following bill referred to the Committee on Education are herewith returned without action of the committee for want of time

for all except Nos. 133, 259, 308 and 341 and we request that they be placed on the files for future reference.

Mr. Hall submitted the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled Bills report that they find Senate bill No. 117 correctly enrolled.

Mr. Friedley, of Lawrence, moved to take up engrossed House bill No. 495.

Which was agreed to.

Engrossed House bill No. 495—a bill to amend section one of an act entitled “An act to amend sections nine, ten, eighteen, nineteen, twenty-three, twenty-four and thirty-three of an act entitled ‘An act to incorporate the town of Vernon, Jennings county, Indiana,’ ” approved January 22, 1857 ; approved December 20, 1865.

And to legalize certain ordinances of said corporation.

Which was read a third time.

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Brown, Bunyan, Cave, Chapman, Collett, Daggy, Dittemore, Dwiggins, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Haworth, Hough, Howard, Hubbard, Miller, Neff, Oliver, Orr, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Strond, Thompson, Wadge and Winterbotham—37.

Those who voted in the negative were, Messrs. Bird, Boone, Bowman, Carnahan, Daugherty and Williams—6.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED : That the Secretary inform the House of the passage of the bill.

Mr. Steele submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Engrossed House bill No. 446—a bill defining cruelty to animals, declaring it a misdemeanor and providing a penalty therefor, have had the same under consideration, and have instructed me to report the same back with a recommendation that the same do lie on the table for the reason that there is no time for proper action in relation thereto during the present session of the Legislature.

Which was concurred in.

Mr. Dwiggins submitted the following report :

MR. PRESIDENT :

The Committee of Free Conference, to whom was referred Engrossed House bill No. 526—a bill for an act to provide for the public printing and binding, and the Senate amendments thereto, being an act providing for contracting for the public printing, have had the same under consideration and have directed me to report they cannot agree.

Mr. Chapman moved for a new conference committee on Engrossed House bill No. 526.

Which was agreed to.

The President announced as such committee, Messrs. Chapman, Fuller and Beardsley.

Engrossed House bill No. 241—a bill to give security to persons who contract with railroad corporations to perform work and labor in the construction of railroads, and declaring an emergency.

Which was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were Messrs. Beardsley, Beeson, Bird, Bowman, Bunyan, Carnahan, Cave, Chapman, Collett, Dittemore, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Gooding, Gregg, Haworth, Oliver, Rhodes, Ringo, Sarnig-

hausen, Slater, Smith, Stroud, Thompson, Wadge, Williams and Winterbotham—28.

Those who voted in the negative were, Messrs. Boone, Daggy, Daugherty, Dwiggins, Glessner, Howard, Hubbard, Orr, Scott and Steele—10.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Engrossed House bill No. 453—a bill to legalize the incorporation of the town of Kentland, Newton county, Indiana, and the official acts of the several Boards of Trustees of said town, and all other officers of said corporation, under an act for the incorporation, etc.

Which was read a third time.

Those who voted in the affirmative were, Messrs. Beardale, Beeson, Brown, Bunyan, Carnahan, Chapman, Collett, Daggy, Dittemore, Dwiggins, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Harney, Haworth, Hough, Howard, Hubbard, Oliver, Rhodes Ringo, Rosebrugh, Sarnighansen, Scott, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—35.

Those who voted in the negative were Messrs. Boone, Bowman, Daugherty and Slater—4.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Gooding moved to reconsider the vote restricting the business of night sessions to House bills on first reading.

Which was agreed to.

Mr. Collett submitted the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled Bills have had under consideration and find correctly enrolled the following bill :

Senate Enrolled bill No. 200.

Mr. Taylor submitted the following report :

MR. PRESIDENT :

The committee to whom was referred House bill No. 372, report the same back to the Senate and recommend that it be placed in the calendar.

Which was concurred in.

Mr. Collett submitted the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled Bills report that they have this day presented to the Governor, for his approval, Senate bills Nos. 206, 24, 250, 155, 120, 71 and 224.

Message from the House by Mr. Nixon, Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the following amendments of the Senate to House bill No. 531 entitled, "A bill making general appropriations for the years 1873 and 1874; said amendments as concurred in being the 3d, 4th, 6th, 10th, 15th, 17th, 18th and 19th.

I am also directed to inform the Senate that the House has failed to concur in the remainder of the amendments offered by the Senate to said bill, and the House respectfully ask the Senate

to recede from its said amendments not concurred in as aforesaid by the House.

Mr. Taylor moved to take up House bill No. 531.

Which was agreed to.

Mr. Daggy moved that the Senate recede from the first amendment by the Senate not concurred in by the House.

Which was agreed to.

Mr. Brown moved to recede from the second amendment of the Senate not concurred in by the House.

Which was not agreed to.

Mr. Williams moved to recede from the third amendment of the Senate, not concurred in by the House.

Which was agreed to.

Mr. Chapman moved to recede from the fourth amendment not concurred in by the House.

Which was agreed to.

Mr. Williams moved to recede from the fifth amendment of the Senate not concurred in by the House.

Which was agreed to.

Mr. Chapman moved to recede from the sixth amendment of the Senate not concurred in by the House.

Which was not agreed to.

Mr. Orr moved to recede from the seventh amendment of the Senate not concurred in by the House.

Which was not concurred in.

Mr. Taylor moved to recede from the amendment striking out the tenth section.

Which was agreed to.

Mr. Taylor moved to recede from the amendment No. 21 of the Senate not agreed to by the House.

Which was not agreed to.

Mr. Friedley, of Lawrence, moved to recede from the amendment of Senate striking out section 39, which was not concurred in by the House.

Which was not agreed to.

Mr. Brown moved to recede from the amendment of the Senate striking out section forty-three, not concurred in by the House.

Which was not agreed to.

Mr. Harney moved to recede from the amendment of the Senate striking out section forty-four, not concurred in by the House.

Which was not agreed to.

Mr. Scott moved to recede from the amendment of the Senate striking out section forty-five, and not concurred in by the House.

Which was not agreed to.

Mr. Brown moved to recede from the ninth amendment and not concurred in by the House.

Which was not agreed to.

Mr. Brown moved to recede from the tenth amendment by the Senate and not concurred in by the House.

Which was not agreed to.

Mr. Brown moved to recede from the amendment of the Senate striking out section twelve, and not concurred in by the House.

Which was not agreed to.

On motion by Mr. Brown, the Senate took a recess until 7:30 o'clock this p. m.

EVENING SESSION.

Senate re-assembled 7:30 o'clock.

Mr. Boone submitted the following report:

MR. PRESIDENT:

The Joint Committee for that purpose have instructed me to report to the Senate the accompanying amendments to the constitution of the State of Indiana.

A joint resolution proposing amendments to the constitution of the State of Indiana:

Be it resolved by the General Assembly of the State of Indiana,
That the following amendments be and the same are hereby proposed to the constitution of this State, and that the same be and are hereby agreed to and referred to the General Assembly to be chosen at the next general election, to-wit:

Amend article two, section two to read as follows:

"SECTION 2. In all elections not otherwise provided for by this constitution, every male citizen of the United States of the age of twenty-one years and upwards, who shall have resided in the State during the twelve months and in the county three months immediately preceding such election, and every male citizen of foreign birth of the age of twenty-one years and upwards, who shall have resided in the United States one or more years, and shall have resided in the State the twelve months and in the county three months immediately preceding such election, and shall have declared his intention to become a citizen of the United States, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote in the township or precinct where he shall have resided for the thirty days immediately preceding such election."

Amend by striking out section 5 of article 2. Amend section 4, article 4 by striking out of the same the word "white."

Amend section 5 of article 4 by striking out of the same the word "white."

Amend section 18 of article 4 to read as follows:

"SECTION 18. Every bill shall be read by sections on three several days, in each House, unless in case of emergency a majority of all the members elected to the House where such bill may be depending, shall by a vote of yeas and nays deem it expedient to dispense with this rule; but the reading of a bill by sections on its final passage, shall in no case be dispensed with, and the vote on the passage of every bill or joint resolution shall be taken by yeas and nays."

Section 11, article 4 shall be amended to read as follows:

"SECTION 11. A majority of each House shall constitute a quorum to do business; but a smaller number may meet and adjourn from day to day, and compel the attendance of absent members. A quorum being in attendance, if either House fail to effect an organization within the first five days thereafter, the members of the House so failing shall be entitled to no compensation from the end of the said five days until an organization shall have been effected."

Amend section 25 of article 4 to read as follows:

SEC. 25. A majority of all the members of each House shall be necessary to pass every bill or joint resolution, and every bill to district the State for legislative purposes shall further require a vote of two-thirds of each House present and voting, and all bills and joint resolutions so passed shall be signed by the presiding officer of the respective Houses.

Amend section twenty-nine, article four, to read as follows, viz:

SEC. 29. The members of the General Assembly shall receive for their services a compensation to be fixed by law, but no increase of compensation shall take effect during the session at which such increase may be made. No session of the General Assembly shall extend beyond the term of one hundred days, nor any special session beyond the term of forty days.

Amend section two of article seven to read as follows:

SEC. 2. The supreme court shall consist of not less than five nor more than seven judges, a majority of whom shall form a quorum. They shall hold their offices for six years, if they so long

behave well, provided that the judges elected at the first election after the taking effect of this amendment shall be divided by lot into three classes, as nearly as may be, the fraction to be in the last class, and the seats of the first class shall be vacated at the expiration of two years, those of the second class at the expiration of four years and those of the third class at the expiration of six years, so that one-third, as nearly as practicable, shall be chosen biennially forever thereafter.

Amend by striking out all of the sections in article thirteen, and inserting in lieu thereof the following section :

SECTION 1. No political or municipal corporation in the State shall ever become indebted in any manner or for any purpose to an amount in the aggregate exceeding five per centum on the value of the taxable property within such corporation, to be ascertained by the last assessment for State and county purposes, to the concurring of such indebtedness, and all bonds or obligations in excess of such amount given by such corporation shall be void.

Which was concurred in.

Mr. Boone moved to make the report a special order for ten o'clock a. m. on Monday next.

Which was agreed to.

Mr. Hough moved to take up Senate bill No. 115.

Which was not agreed to.

Mr. Bird moved to take up Engrossed House bill No. 225.

Which was agreed to.

Engrossed House bill No. 225—a bill to amend section two of an act entitled "An act to provide for the protection of wild game and defining the time in which the same may be taken or killed, and providing the penalty for violating the same," approved March 11, 1867. And, also, providing for the protection of certain birds therein named and their eggs, and fixing a penalty.

Which was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Chap-

man, Collett, Daggy, Dittemore, Friedley (of Scott), Glessner, Gooding, Gregg, Hall, Hough, Hubbard, Neff, Orr, Ringo, Rosebrugh, Sarnighausen, Scott, Smith, Steele, Stroud, Thompson, Wadge, Williams and Winterbotham—32.

Those who voted in the negative were, Messrs. Carnahan, Cave, Harney, Haworth and Howard—5

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills have had under consideration, and find correctly enrolled, the following bills:

Senate Enrolled Bills Nos. 346 and 204.

Mr. Hall submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills have carefully compared Enrolled Senate bill No. 292, and take great pleasure in reporting same correctly enrolled.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has agreed to the Senate's request for a new Conference Committee on House bill No. 526, with Senate amendments, entitled "A bill to provide for the public printing and binding," and the House has appointed on said committee, Messrs. Walker, Jones and Eward.

Mr. Rosebrugh moved to take up Engrossed House bill No. 26.

Messrs. Williams and Carnahan demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bunyan, Chapman, Daggy, Dittemore, Fran-

cisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Haworth, Hough, Howard, Hubbard, Neff, Rosebrugh, Sarnighausen, Thompson and Wadge—23.

Those who voted in the negative were, Messrs. Bird, Boone, Bowman, Carnahan, Cave, Fuller, Harney, Orr, Ringo, Scott, Smith, Steele, Stroud, Williams and Winterbotham—15.

So the motion to take up the bill was agreed to.

The question being, shall the bill pass ?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bunyan, Chapman, Daggy, Dittemore, Francisco, Friedley (of Lawrence,) Glessner, Gooding, Gregg, Haworth, Hough, Howard, Hubbard, Neff, Rhodes, Rosebrugh, Sarnighausen, Sleeth, Thompson and Wadge—23.

Those who voted in the negative were, Messrs. Bird, Boone, Bowman, Carnahan, Cave, Collett, Daugherty, Fuller, Friedley (of Scott,) Hall, Harney, Orr, Ringo, Scott, Slater, Smith, Steele, Stroud, Taylor, Williams and Winterbotham—21.

So the bill failed to pass for want of a constitutional majority.

Mr. Collett submitted the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled Bills report that they have this day presented to the Governor for his approval House bills Nos. 495, 532, 377, 241 and 453.

Mr. Hall moved that hereafter Senators shall not be allowed to explain their vote during roll-call.

Which was not agreed to.

Mr. Beeson moved to resume the consideration of engrossed bill No. 535, pending when the Senate took a recess.

Which was agreed to.

Mr. Hall moved to recede from the amendment No. 11 of the Senate, not concurred in by the House.

Which was agreed to.

Mr. Neff moved to recede from amendment No. 16 of the Senate, not concurred in by the House.

Which was not agreed to.

ORDERED: That the Secretary inform the House of the action of the Senate on said amendments.

Mr. Williams moved to suspend the constitutional rule requiring bills to be read on three several days, and read engrossed House bill No. 354 a second time by title, and a third time by sections now.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Boone, Bowman, Bunyan, Carnahan, Cave, Daggy, Daugherty, Francisco, Friedley (of Scott,) Glessner, Gooding, Gregg, Hall, Harney, Hough, Howard, Hubbard, Neff, Oliver, Orr, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham.—38.

No Senator voting in the negative.

So the constitutional rule was suspended and Engrossed House bill No. 354—a bill to consolidate certain mortgage loans forfeitures, bills receivable, and other debts and accounts due the school fund into one non negotiable bond and making other provisions in relation thereto.

Which was read a second time by title and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Boone, Bowman, Bunyan, Carnahan, Cave, Collett, Daggy, Daugherty, Francisco, Friedley (of Scott,) Gooding, Hall, Harney, Haworth, Hough, Howard, Hubbard, Neff, Oliver, Orr, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Steele, Taylor, Thompson, Wadge, Williams and Winterbotham—35.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Steele moved to take up Senate bill No. 293.

Which was agreed to.

Mr. Steele moved to concur in the engrossed amendments of the House to the bill.

Which was agreed to.

Mr. Orr moved to suspend the constitutional rule requiring bills to be read on three several days, and read Engrossed House bill No. 316 a second time by title, and a third time by sections now.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Boone, Bowman, Bunyan, Carnahan, Daggy, Dittemore, Francisco, Friedley (of Scott), Glessner, Gooding, Harney, Harworth, Hough, Howard, Hubbard, Neff, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—35.

No Senator voting in the negative.

So the constitutional rule was suspended, and Engrossed House bill No. 316—a bill to authorize township trustees to levy an additional tax to the amount now authorized by law, not exceeding twenty-five cents on each one hundred dollars worth of taxable property in any one year for the purpose of paying, satisfying and liquidating debts made and contracted by such trustees in the construction, repairing and completing school houses, and providing furniture and school apparatus therefor, and declaring an emergency, was read a second time by title and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Boone, Bunyan, Daggy, Daugherty, Friedley (of Scott), Hall, Harney, Haworth, Hough, Howard, Hubbard, Oliver, Orr, Rhodes, Ringo, Scott, Sleeth, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—26.

Messrs. Bird, Bowman, Carnahan, Cave, Francisco, Gregg, Sarnighausen and Smith voting in the negative—8.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Hall submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills report that they find Senate bill No. seventy-three correctly enrolled.

Mr. Dittemore offered the following resolution:

WHEREAS, Senator Rosebrugh, Senator from Ripley county, has been reported by the Committee on Mileage to Members to live 176 miles from the capital; and,

WHEREAS, Said Senator lives 250 miles from the capital by the most usual route traveled: therefore,

Be it Resolved, That the President of the Senate be authorized to draw his warrant on the Auditor of State for the sum of twenty-nine dollars and sixty cents, being the amount due said Senator on mileage not allowed him by the Committee on Mileage.

Which was adopted.

Message from the House by Mr. Nixon, Clerk thereof.

MR. PRESIDENT :

I am directed by the Speaker of the House to inform the Senate that he has signed the following Enrolled Acts, to-wit :

Enrolled Act of the Senate No. 292—an act regulating the fees of officers and providing penalties for its violation, etc.

Enrolled Senate Act No. 204—an act to amend the fifteenth section of an act entitled “An act prescribing the manner of compelling officers to give new bonds and additional sureties.

Enrolled act of the Senate No. 346—an act entitled an act fixing the time of holding the courts in the thirty-eighth judicial circuit, etc.

Enrolled Act of the Senate No. 300—an act for the relief of the Lye Creek Draining Association.

Enrolled Act of the Senate No. 176—an act supplemental to and repealing section thirteen of an act entitled “An act to establish public libraries,” etc.

Enrolled Act of the Senate No. 117—an act regulating the granting of divorces, etc.

Enrolled Act of the Senate No. 222—an act making it unlawful for owners and proprietors of billiard tables to suffer or permit minors to play at or upon the same, etc.

Enrolled Act of the Senate No. 333—an act for the relief of the indigent cripples of the State of Indiana.

And the same are herewith returned to the Senate.

I am also directed by the Speaker of the House to inform the Senate that he has signed the following enrolled act of the House, to-wit : Enrolled Act of the House No. 530—an act to raise revenue for State purposes for the years 1873 and 1874 ; and the same is herewith submitted to the Senate for the signature of the President thereof.

Mr. Sleeth moved to take up Engrossed House bill No. 540.

Which was agreed to.

Mr. Sleeth moved to suspend the constitutional rule requiring bills to be read on three several days and read the bill a first and second time by title and a third time by sections.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bowman, Bunyan, Carnahan, Cave, Daggy, Dittemore, Francisco, Glessner, Gooding, Gregg, Haworth, Hough, Howard, Hubbard, Rhodes, Sarnighausen, Scott, Slater, Sleeth, Steele, Stroud, Taylor, Thompson, Williams and Winterbotham—27.

Those who voted in the negative were, Messrs. Bird, Boone, Bowman, Daugherty, Friedley (of Scott), Hall, Harney, Ringo and Rosebrough—9.

So the constitutional rule was not suspended.

Mr. Hall submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills report that they find correctly enrolled, Senate bill Nos. 345 and 34.

Also House bill No. 530.

The President announced that he had signed Enrolled acts of the Senate, Nos. 292, 204, 346, 300, 476, 117, 222, 333 and Enrolled act of the House 531.

Engrossed House bill No. 74—a bill to amend the first section of an act to authorize any person desiring to erect a flouring mill or other machinery, to be propelled by water on his own land, to make a race-way below such mill or machinery through land belonging to others and to regulate the assessment, etc.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Collett, Daggy, Daugherty, Francisco, Friedley (of Scott) Friedley (of Lawrence), Glessner, Gooding, Gregg, Harney, Haworth, Hough, Hubbard, Oliver, Orr, Rhodes, Ringo, Rosebrough, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Taylor, Thompson, and Winterbotham—34.

Messrs. Hall, Howard, Neff and Sleeth, voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed the following enrolled acts, to-wit:

Enrolled Act of the House No. 377—an act declaratory of the law of this State, as to the eligibility of women, to certain offices therein mentioned, and the same is herewith submitted to the Senate for the signature of the President thereof.

Mr. Chapman submitted the following report:

MR. PRESIDENT:

The second committee of free conference to whom was referred engrossed House bill No. 526 and the Senate amendment thereto, being an act providing for contracting for the public printing, have had the same under consideration, and have directed me to report that they cannot agree.

Mr. Hall moved to recede from the amendments of the Senate to House bill No. 526.

Messrs. Sleeth and Hough demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Brown, Carnahan, Daggy, Dittemore, Hall, Oliver, Steele and Thompson—8.

Those who voted in the negative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Bunyan, Cave, Chapman, Collettt, Daugherty, Fuller, Francisco, Friedley (of Scott), Friedley of Lawrence), Glessner, Gregg, Harney, Haworth, Hough, Howard, Hubbard, Neff, Orr, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Sleeth, Smith, Stroud, Taylor, Williams and Winterbotham—36.

S. J.—66

So the Senate refused to recede from its amendments to the bill.

Mr. Hough submitted the following report :

MR. PRESIDENT :

The Joint Committee on State Library, in obedience to the concurrent resolution of the Senate and House of Representatives, requiring them to ascertain the quantity, kinds, and price of the stationery purchased of Braden & Burford by the State Librarian for the use of this General Assembly, at its special session in the year 1872, and the amount thereof, which has been used by the Assembly, etc., have had the matters mentioned in said resolution under consideration, and find from the evidence heard from them in relation thereto, that said Librarian did, during the months of October and November, 1872, purchase of said Braden & Burford, a bill of stationery, etc., amounting in the aggregate to the sum of \$2,979.20, a copy of which said bill is attached hereto, and made a part thereof, marked "A;" and the committee further find from the evidence of James DeSanno, State Librarian, that of said stationery, etc., there is now in his possession an amount thereof, which is of the value of \$1,946.47, estimated at the cost prices thereof, and that the remainder thereof has been distributed to the Governor, members of the General Assembly, doorkeepers, clerks of committees, and other officers of the General Assembly, a statement of the kinds and amounts of which has been distributed as aforesaid, and of the kinds and amounts on hand as given by said Librarian, is hereto attached and made a part hereof, marked exhibit "B."

It is deemed proper by the committee to state in this connection from the evidence of said Librarian that of said goods the Governor received but one bottle of red ink. From the facts which came under the observation of the committee during their investigation they are forced to the conclusion that the State Librarian has been grossly negligent of the interests of the State in delivering stationery, etc., to the members and officers aforesaid without taking proper receipts therefor.

The committee have no recommendations to make on the report as above given.

Which was concurred in.

Mr. Brown offered the following resolution :

Resolved by the Senate of Indiana, the House concurring, That the Auditor of State be instructed to audit the account of Braden & Burford, for \$2,979.29, for stationery purchased by the State Librarian prior to the special session.

Which was adopted.

Mr. Daggy moved to suspend the constitutional rule requiring bills to be read on three several days, and read engrossed House bill No. 541 a first and second time by title and a third time by sections.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs, Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Fuller, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Haworth, Howard, Hubbard, Oliver, Orr, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Smith, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—41.

No Senator voting in the negative.

So the constitutional rule was suspended, and engrossed House bill No. 541—a bill fixing the time of holding the circuit courts in the thirteenth judicial circuit of this State—was read a first and a second time by title and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Chapin, Collett, Daggy, Fuller, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Haworth, Neff, Oliver, Orr, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Steele, Smith, Stroud, Thompson and Winterbotham—33.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Friedley, of Lawrence, offered the following resolution :

Resolved, That the Secretary of State be, and he is hereby authorized and directed to furnish to the Lieutenant Governor one set of Gaven & Hord's Statutes of the State of Indiana.

Which was adopted.

Engrossed House bill No. 139—a bill relating to expenses incurred by one county by change of venue from another county.

Which was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Bowman, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Fuller, Francisco, Friedley (of Scott), Glessner, Gregg, Hall, Haworth, Oliver, Orr, Ringo, Rosebrugh, Sarnighausen, Slater, Smith, Steele, Stroud, Taylor, Thompson and Winterbotham—30.

Messrs. Beardsley, Bird, Harney, Neff and Scott voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill ?

It was so ordered.

ORDERED, That the Secretary inform the House of the passage of the bill.

Mr. Chapman introduced Senate Joint Resolution No. 22—a joint resolution authorizing the letting of paper and printing to the lowest responsible bidder.

The question being, shall the joint resolution pass ?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bunyan, Carnahan, Cave, Chapman, Collett, Daugherty, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gregg, Hall, Harney, Haworth, Hough, Hubbard, Miller, Oliver, Orr, Ringo, Scott, Slater, Sleeth, Stroud, Taylor, Thompson, Williams and Winterbotham—35.

No Senator voting in the negative.

So the joint resolution passed.

The question being, shall the title of the joint resolution as read stand as the title of the joint resolution?

It was so ordered.

ORDERED, That the Secretary inform the House of the passage of the Joint Resolution.

Engrossed House bill No. 59—a bill to amend section six of an act entitled an act to amend an act entitled “An act providing for the election or appointment of supervisors of highways and prescribing certain of their duties and those of county and township officers in relation thereto,” etc.

Was read a third time.

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Bird, Boone, Brown, Bunyan, Carnahan, Cave, Chapman, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Glessner, Hall, Harney, Haworth, Hough, Neff, Oliver, Rhodes, Ringo, Rosebrugh, Sarnighausen, Scott, Slater, Smith, Steele, Stroud, Thompson, Williams and Winterbotham—32.

Messrs. Harney, Hubbard and Taylor voting in the negative

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Hall submitted the following report :

MR. PRESIDENT :

The Joint Committee on enrolled bills report that they have this day presented to the Governor for his approval the following bills :

Senate bills Nos. 333, 222, 117, 176, 300, 346, 204, 377, 292 and House bill No. 330.

Mr. Bunyan moved to take up Engrossed House bill No. 380.

Which was agreed to.

Mr. Bunyan moved to suspend the constitutional rule requiring bills to be read on three several days, and read the bill a second time by title and a third time by sections.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Fuller, Francisco, Friedley (of Scott), Friedley (of Lawrence), Gooding, Gregg, Haworth, Hough, Howard, Hubbard, Neff, Ringo, Sarnighausen, Scott, Sleeth, Smith, Steele, Stroud, Thompson, Wadge, Williams and Winterbotham—36.

Messrs. Dittemore, Harney and Slater voting in the negative.

So the constitutional rule was suspended, and Engrossed House bill No. 380—a bill legalizing summonses, executions, and other processes of law issued by justices of the peace in incorporated cities to the Marshals of said cities; and also, all acts done and performed under and by color of such writs, and protecting such Marshal from prosecution for acts done under and by color thereof.

Was read a second time by title and a third time by sections.

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Boone, Bowman, Brown, Bunyan, Cave, Chapman, Collett, Daggy, Dittemore, Fuller, Friedley (of Lawrence), Glessner, Gooding, Gregg, Harney, Haworth; Hough, Howard, Neff, Orr, Rhodes,

Ringo, Rosebrugh, Scott, Slater, Sleeth, Steele, Stroud, Taylor, Thompson, Wadge and Winterbotham—34.

Messrs. Bird, Carnahan and Williams voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on enrolled bills have had under consideration, and find correctly enrolled the following bill, House bill No. 377.

Mr. Haworth offered the following resolution:

Resolved by the Senate, the House concurring, That the Secretary of State be requested to have printed two thousand copies of the acts known as the circuit court bill, the fee bill and assessment bill, have them stitched together and distribute to the counties of the State according to ratio of population.

Which was adopted.

Message from the House by Mr. Nixon clerk thereof.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, to-wit:

Resolved, That the Senate be requested to return House bill No. 503 to the House for the further action of this body.

Engrossed House bill No. 332—a bill to authorize the enlargement of the House of Refuge for Juvenile offenders and making appropriations therefor and declaring an emergency.

Which was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Brown, Bunyan, Collett, Daggy, Daugherty, Fuller, Francisco, Friedley (of Lawrence), Glessner, Hall, Howard, Hubbard, Oliver, Rhodes, Rosebrugh, Sarnighausen, Scott, Taylor, Thompson and Wadge—22.

Those who voted in the negative were, Messrs. Beardsley, Bird, Boone, Bowman, Carnahan, Cave, Dittemore, Gooding, Gregg, Hough, Neff, Orr, Slater, Sleeth, Stroud, Williams and Winterbotham—18.

So the bill failed to pass for want of a constitutional majority.

Mr. Collett submitted the following report :

MR. PRESIDENT :

The Joint Committee on enrolled bills have had under consideration, and find correctly enrolled the following bill :

Senate Enrolled bill No. 325.

Engrossed House bill No. 430—a bill to amend sections five and six of an act entitled, "An act to authorize the boards doing county business to declare water courses navigable," approved May 31, 1852.

Which was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were, Messrs. Armstrong, Beeson, Boone, Bowman, Bunyan, Carnahan, Cave, Chapman, Daggy, Daugherty, Dittemore, Fuller, Francisco, Glessner, Gooding, Gregg, Hough, Howard, Hubbard, Oliver, Ringo, Scott, Slater, Sleeth, Smith, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—31.

Messrs. Beardsley, Bird, Harney, Neff, Orr and Steele voting in the negative—6.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Carnahan moved to take up engrossed House bill No. 447.

Which was agreed to.

Engrossed House bill No. 447—a bill to amend section one of an act entitled “An act in relation to the change of highways,” approved March 11, 1867.

Which was read a second time.

Mr. Williams moved to suspend the constitutional rule requiring bills to be read on three several days, and read the bill a third time.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Carnahan, Chapman, Collett, Daggy, Daugherty, Fuller, Francisco, Friedley (of Lawrence,) Glessner, Gooding, Gregg, Haworth, Hough Howard, Hubbard, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Stroud, Taylor, Wadge, Williams and Winterbotham—34.

Messrs. Orr and Steele voting in the negative.

So the constitutional rule was suspended, and engrossed House bill No. 447—a bill to amend section one of an act entitled “An act in relation to the change of highways,” approved March 11, 1867, was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Bird, Bowman, Carnahan, Cave, Chapman, Daugherty, Fuller, Gregg, Howard, Oliver, Ringo, Scott, Slater, Stroud and Williams—16.

Those who voted in the negative were, Messrs. Beeson, Boone, Brown, Collett, Daggy, Francisco, Friedley (of Lawrence),

Glessner, Gooding, Haworth, Hubbard, Miller, Orr, Rhodes, Sarnighausen, Smith, Steele, Taylor, Wadge and Winterbotham—20.

So the bill failed to pass for want of a constitutional majority.

Mr. Slater moved to take up engrossed House bill No. 208.

Which was agreed to.

Engrossed House bill No. 208—a bill to legalize the official acts of the several Boards of Trustees of the town of Mooresville, Morgan county, Indiana, and to legalize the acts of the incorporation thereof, and all other officers of said corporation under an act for the incorporation of towns, defining their powers, etc., approved June 11, 1852, etc.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Bowman, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Haworth, Hough, Howard, Neff, Oliver, Ringo, Scott, Slater, Sleeth, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—31.

Messrs. Beeson, Bird, Boone, Hubbard, Orr and Rhodes voting in the negative—6.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Steele moved to concur in engrossed House amendments to House bill No. 213.

Which was agreed to.

ORDERED: That the Secretary inform the House thereof.

Mr. Friedley, of Lawrence, moved to take up House Joint Resolution No. 19—a joint resolution instructing our Senators and requesting our Representatives in Congress to restore certain soldiers therein mentioned to their original position on the roll of the army.

The question being shall the resolution pass ?

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Bunyan, Carnahan, Cave, Chapman, Collett, Daugherty, Fuller, Francisco, Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Haworth, Howard, Neff, Rhodes, Ringo, Scott, Sleeth, Steele, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—34.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the joint resolution ?

It was agreed to.

ORDERED: That the Secretary inform the House of the passage thereof.

Mr. Howard submitted the following report:

MR. PRESIDENT :

The Committee on Rights and Privileges, to whom was referred House bill No. 272, entitled "A bill to regulate the sale of mineral oil and other substances for illuminating purposes," have had the same under consideration, and report to the Senate with the following additional section as an amendment thereto:

SEC. 8. Nothing in this act shall be so construed as to repeal or modify any provision of an act entitled "An act to provide for the inspection of petroleum oil for illuminating purposes, marking and branding the same, prescribing penalty for selling without inspection, or for falsely branding the cask, package or barrel containing the same, or for violating any of the provisions of this act for the appointment of inspectors and deputies, prescribing dealers and terms of office, and imposing penalties for inspectors or deputies

trading in any article they are appointed to inspect," approved March 9, 1863, so far as the same may apply to the appointment and duties of inspector, his deputies or manufacturers or wholesale dealers in petroleum oils for illuminating purposes: *Provided always*, That the provisions of this act shall not apply to any manufacturer or wholesale dealer in petroleum oil for illuminating purposes.

And when so amended recommend its passage.

Mr. Gooding moved to lay the report on the table.

Which was agreed to.

Mr. Taylor moved to take up House bill No. 524.

Which was agreed to.

Mr. Taylor moved to suspend the constitutional rule requiring bills to be read on three several days, and read the bill a first and second time by title, and a third time by sections.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, [Messrs.] Armstrong, Beardsley, Beeson, Bird, Boone, Bowman, Brown, Carnahan, Chapman, Collett, Daggy, Fuller, Francisco, Friedley (of Scott,) Glessner, Gooding, Gregg, Hall, Harney, Haworth, Hubbard, Neff, Oliver, Rhodes, Ringo, Scott, Slater, Sleeth, Smith, Steele, Stroud, Taylor, Thompson and Wade—34.

Those who voted in the negative were, Messrs. Cave, Daugherty, Sarnighausen and Winterbotham—4.

So the constitutional rule was suspended, and House bill No. 524—a bill to authorize railroad companies, organized under the laws of the State of Indiana, to make contracts for the use of their tracks by the trains of each other, and to ratify *bona fide* contracts for such purposes heretofore made.

Which was read a first and second time by title, and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs. Beardsley, Beeson, Bird, Brown, Carnahan, Chapman, Collett, Daggy, Fuller, Friedley (of Scott,) Friedley, (of Lawrence,) Glessner, Gooding, Haworth, Hough, Hubbard, Oliver, Rhodes, Ringo, Scott, Sleeth, Smith, Taylor, Thompson, Wadge and Williams—26.

Those who voted in the negative were, Messrs. Boone, Bowman, Daugherty, Gregg, Hall, Harney, Howard, Orr, Sarnighausen, Steele and Winterbotham—11.

It was so ordered.

The question being, shall the title as read stand as the title of the bill?

So the bill passed.

ORDERED: That the Secretary inform the House of the passage of the bill.

Mr. Hall submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills report that they have this day presented to the Governor the following bills for his approval:

Enrolled House bill No. 436.

Mr. Hall submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills report that they have this day presented to the Governor, for his approval, the following bills:

House Bills Nos. 354 and 59.

Mr. Hall submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills report that they have carefully examined and compared Senate bill No. 239, and find the same correctly enrolled.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has failed to concur in the amendments of the Senate to the specific appropriation bill of the House, No. 535, as to the following sections of said amendments :

First. As to the claim of the Indianapolis Journal Company for the sum of \$594.

Second. As to the claim of Henry Crawford, for \$500, for professional services.

Third. As to the claim of the Sentinel Company, for \$530.40 and the Senate is respectfully requested to recede from said amendments.

And the House has further amended said amendment by striking therefrom all that relates to the claims for witness fees and other services in the case of Klein v. Burson and insert in lieu thereof the following :

SECTION —. That there be allowed to the following persons the following sums for witness' fees, and other services in the contested election case of Klein v. Burson to,

Weams Heagy.....	\$7 40
Joseph F. Kirkwood.....	14 20
Richard Lake.....	5 10
Simeon Knight.....	24 80
George McGraw.....	9 60
A. K. Rockenfield.....	5 80
Howard D. Thompson.....	14 10
James Daugherty.....	11 10
William Shideler.....	14 00
William Scott.	5 60
Thomas N. Stillwell.	6 60
Fleming L. Luse.....	5 10
Benj. F. Beeson.....	9 10
Wm. S. Robinson.....	5 10
Cornelius Daugherty.....	30 00
James Alexander.....	8 40

David Buchanan.....	9 90
Jesse Falkner.....	14 10
A. J. Kirkwood.....	11 10
James S. Regdon.....	17 10
George Benoy.....	8 40
David Hiel.....	11 30
John T. Robinson.....	9 90
Geo. M. Robinson.....	8 40
Wm. M. Jackson.....	11 40
C. M. Reggs.....	12 00
Wm. Beeson.....	9 80
Wm. J. Falkner.....	14 10
Geo. W. Taylor.....	14 90
L. B. Everett.....	9 90
W. W. Walker.....	11 40
S. A. Wilson.....	11 40
S. T. Brady.....	11 40
A. Maning.....	8 40
E. B. Graves.....	9 90
W. H. H. Hatfield.....	12 90
J. A. Gilbert.....	14 90
H. C. Kline.....	11 40
W. Everts.....	9 90
James Blunt.....	11 40
J. M. Bussey.....	12 90
Geo. W. Hawk.....	9 90
A. S. Wilson.....	11 40
Jn. Ro. Irvin.	8 60
Jos. Hinton.....	9 50
A. Reed.....	8 00
G. W. Spilker.....	12 80
A. D. Williams.....	11 10
Liberty Green.....	23 00
Wm. Cox.....	19 20
Jno. R. McKinney.....	14 00
O. H. Swan	20 00
Jno. F. Wildman.....	6 60
Eb. R. Charman.....	11 10
Jos. Fulton.....	5 10
J. P. Williams.....	10 80

Also, the following :

SEC. —. That the sum of \$220 be allowed to pay the funeral expenses of W. T. Lockhart, late Doorkeeper of the House of Representatives.

And by adding the following :

SEC. —. That \$5,000 be appropriated for repairs of Southern Prison.

Three thousand dollars for the purchase of additional clothing for the convicts of the Northern Prison.

Two thousand dollars for the erection of such improvements as are necessary to supply the Northern Prison with water.

Two hundred dollars for building flues in cooper shop of Northern Prison.

Five hundred dollars for the purchase of books for library of the Northern Prison.

Two hundred dollars for the year 1873, and two hundred dollars for the year 1874, additional compensation of the Deputy Warden of the Southern Prison.

Two hundred dollars for 1873, and two hundred dollars additional compensation for the Deputy Warden of the Northern Prison.

And the Senate is respectfully requested to concur in said amendments.

Mr. Williams moved to take up Engrossed House bill No. 535.

Which was agreed to.

Mr. Taylor moved to concur in the amendments of the House.

Which was agreed to.

Mr. Taylor moved to recede from the amendments of the Senate to the bill not concurred in by the House.

Which was agreed to.

ORDERED: That the Secretary inform the House thereof.

Mr. Sleeth offered the following resolution :

Resolved by the Senate, That the Indianapolis Journal Company be allowed the sum of \$594, and the Indianapolis Sentinel Company be allowed the sum of \$534.40 for papers furnished the Senate as per contract during the present session, and the President of the Senate is hereby authorized to draw his warrants on the Auditor of State for the same in favor of the proper parties.

Which was adopted.

Mr. Collett submitted the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled Bills have carefully examined and find Senate bills Nos. 88, 278 and 114 correctly enrolled.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in all of the Senate amendments not heretofore receded from by the Senate to House bill No. 531, general appropriation, except the 8th, 9th, 12th and 16th, and the striking out of sections 43, 44 and 45 of the original bill, and the Senate is most urgently requested to recede from all the said amendments.

Mr. Taylor moved to take up Engrossed House bill No. 531.

Which was agreed to.

Mr. Steele moved to recede from the eighth amendment, not concurred in by the House.

Which was agreed to.

Mr. Chapman moved to recede from the ninth amendment, not concurred in by the House.

Messrs. Chapman and Slater demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beeson, Bird, Boone, Brown, Collett, Daggy, Dittemore, Friedley (of Lawrence), Glessner, Gooding, Haworth, Hubbard, Sarnighausen, Scott, Sleeth, Steele, Taylor and Wadge—18.

Those who voted in the negative were, Messrs. Armstrong, Bowman, Bunyan, Carnahan, Cave, Chapman, Daugherty, Faller, Francisco, Friedley (of Scott), Gregg, Hall, Harney, Hough, Howard, Neff, Oliver, Rhodes, Slater, Smith, Stroud, Thompson, Williams and Winterbotham—24.

So the Senate refused to recede from said amendment.

The question being on receding from the thirteenth amendment.

It was not agreed to.

The question being on receding from sixteenth amendment

it was agreed to.

The question being on striking out section forty-three.

It was not agreed to.

The question being on receding from amendment striking out section forty-four.

It was not agreed to.

The question being on receding from amendment striking out section forty-five.

It was not agreed to.

Message from the House by Mr. Nixon, Clerk thereof :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has accepted the motion of the Senate for a free conference on House bill No. 531 and the speaker has appointed Mr. Wollen and the House Committee on Ways and Means such committee on the part of the House.

The President appointed the Finance Committee of the Senate as such committee on the part of the Senate.

Message from the House by Mr. Nixon, Clerk thereof.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives

to inform the Senate that he has signed the following enrolled acts, to-wit:

Enrolled act No. 34, of the Senate; enrolled Senate act No. 289; enrolled Senate act No. 239; enrolled Senate act No. 293; enrolled act, H. R., No. 495; enrolled act, H. R., No. 241; enrolled act, H. R., No. 73; enrolled act, H. R., No. 532; enrolled act, H. R., No. 345.

And the same are herewith submitted to the Senate for the signature of the President thereof.

The President announced that he had signed enrolled acts of the House Nos. 377, 532, 241 and 495, and Senate enrolled acts Nos. 289, 293, 73 and 34.

Mr. Dittemore offered the following resolution:

Resolved, That the employees of the Senate, other than the pages, be allowed the sum of \$100.00 each, for extra services rendered during the present session, and the President of the Senate is hereby authorized to draw and issue his warrant on the Auditor of State, payable to said employees.

Mr. Brown moved to make the resolution a special order for 10:20 a. m. on Monday next.

Which was agreed to.

Mr. Hall submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills report that they have carefully examined and compared Senate Enrolled bill No. 293, and find the same correctly enrolled.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills have carefully examined and find correctly enrolled, Senate bills Nos. 299, 239, 293, 34, 345, 73, and House bills Nos. 495, 241 and 582.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills report that they have this day presented the Governor for his approval House bills Nos. 430, 139, 541, 503, 316, 225, 535, 213, 208, 524 and Joint Resolution No. 19.

Mr. Collett submitted the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills report that they find Senate Enrolled bill No. 287 has been correctly enrolled.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following Joint resolution, to-wit:

Senate Joint Resolution No. 11—a joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence for the establishment of a district for Northern Indiana in the city of Fort Wayne, etc.

And the same is returned to the Senate.

I am also directed to inform the Senate that the House has receded from its amendments to Senate bill No. 88.

Mr. Daugherty submitted the following report:

MR. PRESIDENT:

The House recedes from the non-concurrence in the amendments to section thirty.

In section forty-three, appropriating \$15,000 yearly to the State University, the House recedes so far as to leave the amount \$10,000 yearly.

House recedes from her entire appropriation in section forty-five for the purpose of defraying the expenses incurred in erecting the State Normal School.

The House recedes from her non-concurrence in the amendment of the Senate to section forty-four.

The House recedes from its amendments to the Senate amendment requiring the State officers to give an itemized account of their contingent expenses in section —.

Which was concurred in.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has reconsidered its vote concurring in the amendment of the Senate to House bill making specific appropriations so far as the vote allowing Patrick Shannon is concurred, and has amended said section inserting two thousand dollars in lieu of five thousand dollars.

Mr. Taylor moved to concur in the amendments of the House to House bill No. 535 in regard to Patrick Shannon.

Which was agreed to.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate the House recedes from its non-concurrence in the Senate amendment to section thirty.

In section forty-three appropriating fifteen thousand dollars yearly to the State University the House recedes so far as to leave the amount of ten thousand dollars each year.

House recedes from her entire appropriation in section forty-five for the purpose of defraying expenses incurred in creating the State Normal school.

In section forty-four, the House recedes from her non-concurrence in the amendments of the Senate.

Message from the House by Mr. Nixon, Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House recedes from its amendment to the Senate

amendment requiring the State officers to give an itemized account of their contingent expenses in section —.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the report of the Committee on House Bill No. 531.

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled acts, to-wit:

Enrolled Act No. 380, H. R.—an act legalizing summonses, executions and other processes of law issued by Justices of the Peace in incorporated cities, to the marshal of said cities; as, also, all acts done or performed under, and by color of such writs, and protecting such marshals, etc.

Enrolled Act No. 354, H. R.—an act to consolidate certain mortgage loans, forfeitures, bills receivable, and other debts and accounts due the school fund, into one non-negotiable bond, etc.

Enrolled Act No. 59, H. R.—an act to amend section six of an act entitled "An act to amend an act entitled 'An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties,' " etc.

Enrolled Act No. 453, H. R.—an act to legalize the incorporation of the town of Kentland, Newton county, Indiana, etc.

Enrolled Act No. 541, H. R.—an act fixing the time of holding Circuit Court in the Thirteenth Judicial Circuit of this State.

Enrolled Act No. 433, H. R.—an act to amend sections 109, 110, 111 and 118 of an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, etc.

Enrolled Act No. 316, H. R.—an act to authorize township trustees to levy an additional tax to the amount now authorized by law, not exceeding twenty-five cents on each one hundred dollars worth of taxable property in one year, etc.

Enrolled Act No. 503, H. R.—an act regulating the convening and adjournment of grand juries.

Enrolled Act No. 524, H. R.—an act to authorize railroad companies organized under the laws of the State of Indiana to make contracts for the use of their tracks by the trains of each other, and to ratify *bona fide* contracts for such purposes heretofore made.

Enrolled Act No. 139, H. R.—an act relating to expenses incurred by one county by change of venue from another county.

Enrolled Act No. 430, H. R.—an act to amend sections five and six of an act to authorize the boards doing county business to declare water courses navigable, approved May 31, 1852.

Enrolled Act No. 114, H. R.—an act to amend the first section of an act to authorize any person desiring to erect a flouring mill or other machinery to be propelled by water on his own land, etc.

Enrolled Act No. 225, H. R.—an act to amend section two of an act to provide for the protection of wild game, etc.

Enrolled act No. 203, House of Representatives—an act to legalize the official acts of the several boards of trustees of the town of Mooresville, Morgan county, etc.

Enrolled act No. 213, House of Representatives—an act defining cruelty to animals, declaring it a misdemeanor, and providing a penalty therefor.

Enrolled act No. 535, House of Representatives—an act making specific appropriation for the year 1873.

Enrolled act No. 531, House of Representatives—an act making general appropriations for the years 1873 and 1874.

And the same are herewith transmitted to the Senate for the signature of the President thereof.

On motion by Mr. Dittmore the Senate adjourned until half past nine o'clock a. m. on Monday next.

LEONIDAS SEXTON,
President of the Senate.

MONDAY MORNING.

MARCH 10, 1873, 9:30 o'clock.

The Senate met.

On motion by Mr. Fuller the reading of the journal of Saturday was dispensed with.

Mr. Fuller offered the following resolution :

Resolved, That his Excellency, the Lieutenant Governor, the presiding officer of the Senate, is justly entitled to the thanks of the Senate for the honest, faithful, and impartial manner in which he has conducted the business of the Chair during the present session.

Which resolution was adopted.

Mr. Boone submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred Joint Resolution No. 19—a joint resolution authorizing the Auditor of State to sell and convey the State's interest, in certain real estate therein described," have had the same under consideration and have directed me to report the same back, with the following amendments: Add the following section :

"SECTION 3. That the proceeds of said sale contemplated by this resolution after the payment of the necessary expenses thereof, shall be paid into the State Treasury, by the said Auditor," and when so amended, the committee recommend the passage of the joint resolution.

On motion the resolution was ordered to lie on the table.

Mr. Boone submitted the following report:

MR. PRESIDENT :

The Joint Committee appointed in pursuance of a concurrent resolution of both Houses of this General Assembly, to examine the books, vouchers, and reports of the Superintendent of the Indiana

Soldiers' and Seamen's Home," have instructed me to report that they have performed the duties required of them by said resolution. Your committee examined the books, vouchers and report of M. M. Wishard, Superintendent, for the year ending October 31, 1871, and also for the year ending October 31, 1872. Showing the receipts and expenditures for all purposes of the Home and find the same correct.

Receipts from State Treasury and other sources, including balance on hand from November 1, 1870, to October 31, 1871.....	\$34,205 80
Expenditures.....	34,117 62
	<hr/>
Balance on hand Oct. 31, 1871....	\$88 18

Receipts from State Treasury and other sources, including balance on hand from November 1, 1871, to October 31, 1872.....	\$38,699 91
Expenditures.....	34,481 17
	<hr/>
Balance on hand.....	4,218 74

Which report was concurred in.

Mr. Wadge offered the following resolution :

Be it Resolved, That the Committee on Prisons be allowed \$30 each for expenses incurred in a trip to Joliet, Illinois, Michigan City, and Jeffersonville, to inspect the prisons, and that the President of the Senate be directed to draw his warrant for the same.

Which resolution was adopted.

Mr. Gregg offered the following resolution :

Resolved, That the Secretary of State, be and he is hereby directed to have bound in the usual style, the Brevier Reports of the proceedings, and debates of this General Assembly, and cause the same to be distributed among the members thereof at as early a day as possible.

Which resolution was adopted.

The President of the Senate submitted a report from the Hon. James C. Denny, Attorney General of the State of Indiana, in relation to the Calumet dam.

Message from the Governor by Samuel R. Downey, his private Secretary :

MR. PRESIDENT :

By direction of the Governor, I respectfully return Senate Enrolled Act No. 74 with a communication, setting forth his objections to its becoming a law.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, March 10, 1873.

Gentlemen of the Senate : I return herewith Senate bill No. 74 entitled, "An act to legalize etc. without my signature ; the bill proposes to legalize and make valid, the acts, and proceedings of the boards of commissioners of the several counties of this State, including their acts as boards of equalization, at sessions held at times not fixed by law, prior to March, 1861.

I am not able to learn from the bill itself, nor from any papers accompanying the same, what cases or class of cases it is intended to provide for. Its effect would be to render valid all the proceedings of the county boards prior to 1861 that have been illegal and void because transacted at times not authorized by law. I can not anticipate the rights and interests that would be reached and affected by so sweeping a provision. The rights to be affected may be numerous, and the interests large. I can suggest one class of cases possible and probable to exist. If a board of commissioners many years ago undertook to equalize the taxes without notice to the people, and at a time not allowed by law, the proceeding would be void, and a subsequent sale of land for taxes so fixed and adjusted would be illegal and vest no right in the purchaser ; would it be desirable now to legalize that sale, and to make the purchaser's title good, so that he might proceed to recover the land against the original party or his vendor ?

I think the provisions are dangerous, and therefore I respectfully ask that you will give the bill a further consideration.

THOMAS A. HENDRICKS,
Governor.

Mr. Fuller moved to take up Senate Joint Resolution No. 16

Which was agreed to.

Mr. Fuller moved to take up joint resolution No 16.

Which was agreed to.

Mr. Fuller moved to concur in the House amendments to Joint Resolution No. 16.

Which was agreed to.

Mr. Orr offered the following resolution :

Resolved, That all the committees of the Senate will return whatever bills are in their hands to the Senate, and said bills be placed on the files.

Which was adopted.

Mr. Gooding offered the following resolution :

Resolved, That the Hon. George W. Friedley is entitled to the thanks of the Senate for the able and faithful and impartial manner in which he has presided over the Senate as its President in the absence of the Lieutenant Governor.

Which was adopted.

Mr. Dittmore offered the following resolution :

Resolved, That R. C. Wadge be, and he is hereby, authorized to accompany the Attorney General to Springfield, Illinois, to look after the interests of the State of Indiana in reference to the Calumet dam, and that he be allowed to draw from the contingent fund of the State such sum of money as may be necessary to defray his necessary expenses on such mission: *Provided*, The said R. C. Wadge shall not be allowed to draw from the Treasury on account of such services an amount exceeding fifty dollars.

Which was adopted.

Mr. Scott moved to take up the following concurrent resolution :

WHEREAS, This General Assembly has passed a concurrent resolution providing for the appointment of a committee consisting of three members of the House and two members of the Senate, whose duty it shall be to correspond with leading architects of the country and receive any and all plans and specifications for a State Capitol that may be offered, as provided for in said resolution.

AND WHEREAS, Said committee has met and organized as required in said resolution, and said committee believing it to be impracticable to accomplish the objects desired by this General Assembly, with the power conferred in said resolution, beg leave to offer the following:

WHEREAS, The necessity exists for the building of a new State Capitol for the State of Indiana:

AND WHEREAS, It is the duty of the General Assembly of this State to use due diligence and economy in the construction of public buildings: Therefore,

Be it Resolved, the House concurring, That this General Assembly do hereby offer and award the sum of two thousand dollars as a premium to any architect, or architects, who may offer through a committee to the next General Assembly, plans and specifications, including estimate, costs of construction of building, which may be accepted and adopted by this General Assembly as suitable for use in the construction of a Capitol, such award to be made as follows: One thousand dollars for the best plans and specifications so offered; six hundred dollars for the second best; and four hundred dollars for the third best, the State reserving the right to retain and use either or all the plans and specifications for which premiums are paid.

Resolved, That they advertise as they may deem necessary for said plans and specifications; *Provided, however,* That the State shall not be liable to any person or persons for the payment of any plans and specifications so furnished, excepting such as may be accepted by the General Assembly.

Which was agreed to.

Mr. Scott offered the following amendments:

Amend last page by adding "The President of the Senate shall appoint three members of the Senate, and the Speaker of the House shall appoint three members of the House to receive and advertise for such plans; and said committee shall in all things consult and act with the Governor and Lieutenant Governor in such proceedings, and by striking out the first page."

Amend page two, line seven, by adding after the word "Resolved," the following, "the House concurring."

Amend page two, line eleven, by striking out the word "said," and inserting the letter "a."

Amend page three by striking out of page three, line seven, all after the word "that;" also, lines eight, nine, ten, eleven, twelve and thirteen, except the word "that."

The question being on the adoption of the resolution as amended,
It was adopted.

Mr. Wadge offered the following concurrent resolution :

WHEREAS, As a bill has been offered in the General Assembly of Illinois, looking to the relief of the owners of the mill at Blue Island, in that State, which will be affected by the removal of the Calumet dam; and,

WHEREAS, This subject has been the cause of much correspondence between this State and the State of Illinois, and the failure of some legislation looking to the relief of the owners of the mill, will but result in further litigation and great loss of property to the people of Lake and Porter counties; therefore,

Be it resolved, That this General Assembly does hereby respectfully request the General Assembly of the State of Illinois to enact such legislation as shall at once and forever set this matter at rest and afford the relief so long desired to a portion of this State in this particular; and,

Be it further resolved, That the Attorney General be, and he is hereby directed to present this resolution to the General Assembly, and pray action in the name of the State.

Which was adopted.

Mr. Sleeth submitted the following report :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claim of William Fitch for \$7.50 for repairs of the Senate chamber upon

order of the doorkeeper, have had the same under consideration and instruct me to report the same back to the Senate with the recommendation that it be allowed and that the President be authorized to draw his warrant on the Auditor for the same.

Which was concurred in.

Mr. Friedley, of Lawrence, offered the following resolution :

Resolved, That the members of the Committee on Education who visited the State Normal School at Terre Haute be allowed the sum of thirty dollars each to defray expenses of such visit, and that the President of the Senate be hereby authorized to draw his warrant in their favor for said amount.

Mr. Daggy moved to amend by paying only those of the committee who visited said school.

Which was agreed to.

The question being on the adoption of the resolution as amended.

It was agreed to.

Mr. Beardsley, from the Committee on Finance, reported back without action, Engrossed House bill No. 415—a bill to amend sections 23, 24, 26, 36, 37 and 43 of an act entitled, "An act to repeal all general laws now in force for the incorporation of cities, approved March 14, 1867. Also,

Senate bill No. 89—a bill to provide for the issuing of a non-negotiable bond to the school fund for certain sums of money heretofore advanced or borrowed from said fund by the State.

Mr. Harney asked to withdraw Senate bill No. 180 from the files.

Which was agreed to.

Mr. Neff submitted the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled Bills have had under consideration and report correctly enrolled, Senate bill No. 278.

Mr. Collett submitted the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled Bills would report that they have examined and compared Senate enrolled act No. 88 with the engrossed bill, and find it correctly enrolled.

Mr. Collett submitted the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled Bills report that they have presented to the Governor for his approval, Senate enrolled acts Nos. 98, 278 and 325 ; also, Senate Joint Resolution No. 11.

Mr. Daggy, from a select committee, made the following report :

MR. PRESIDENT :

The select committee to whom was referred Senate bill No. 11—an act to fix the time of holding the circuit court in the several district of the third judicial circuit, and repealing all laws in conflict therewith, and declaring an emergency—report the same back without recommendation.

Also the following report :

MR. PRESIDENT :

The Committee on Prisons, to whom was referred Senate bill No. 149—an act providing for the reorganization and government of the State Prison, for the appointment of a board of commissioners to have charge of the same and over-sight of the county jails and other prisons of the State, and repealing all conflicting laws—report the same back without recommendation.

Mr. Wadge made the following report :

MR. PRESIDENT :

The Committee on Prisons, to whom was referred Senate bill No. 321—an act providing for the organization and government of the State prisons and for the appointment of a board of commissioners to have charge of the same—report the same back without recommendation.

On motion, the concurrent resolution of the House, in relation to renting certain grounds and preserving certain property belonging to the State, was taken up.

Mr. Beardsley offered the following amendment :

“ Excepting, however, from the provisions of this resolution all the property embraced in the resolution of the Senate, instructing the Secretary of State to sell the property of the committee rooms of the Senate.

Which was adopted.

The question being on the adoption of the resolution as amended.

It was agreed to.

Mr. Hall offered the following resolution :

Resolved, That the Secretary of the Senate, collate the petitions for, and remonstrances against the passage of a temperance law by the present Legislature. The number of petitions for and against to be spread on the journal, under the heads of counties from which they originated.

Mr. Hubbard moved to amend by ordering the chairman of the temperance committee to hand over to Senator Hall all petitions in favor of the temperance bill.

The question being on the adoption of the resolution as amended.

It was agreed to.

Mr. Wadge, from the Committee on Prisons, made the following report :

MR. PRESIDENT :

The committee to whom was referred Senate bill No. 183—a bill to provide for paroling of prisoners who may be confined in any county jail for the non-payment of fines which may have been adjudged against them upon conviction of public offenses, report the same back without recommendation.

Mr. Hall submitted the following report :

MR. PRESIDENT :

The Committee on Enrolled Bills report that they have carefully examined and compared Enrolled House Acts Nos. 531, 535, 436, 524, 439, 139, 213, 114, 354, 316, 541, 453, 503, 380, 208, 225 and 59. Also, Joint Resolution No. 19, and find the same correctly enrolled.

Mr. Collett submitted the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled Bills have had under consideration, and find correctly enrolled, Senate Joint Resolution No. 16.

Message from the House by Mr. Nixon Clerk thereof.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has adopted the following Joint resolution, to-wit :

House Joint Resolution No. 23—a joint resolution to amend article second, section fourteen, of the Constitution of the State of Indiana, and the same is herewith transmitted to the Senate for its action thereon.

SPECIAL ORDER.

The hour of 10 o'clock a. m. having arrived, being the hour fixed for consideration of the amendments to the Constitution of the State, proposed by the Joint Committee, the same was taken up.

Senate Joint Resolution No. 21—a joint resolution proposing amendments to the Constitution of the State of Indiana.

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana*, That the following amendments be, and the same are hereby, proposed to the Constitution of the State, and that the same be, and are hereby, agreed to and referred to the General Assembly to be chosen at the next general election, to-wit :

Amend article two, section two, to read as follows :

S. J.—68

SEC. 2. In all elections, not otherwise provided for by this Constitution, every male citizen of the United States of the age of twenty-one years and upwards, who shall have resided in the State during the twelve months, and in the county three months immediately preceding such election, and every male of foreign birth of the age of twenty-one years and upward, who shall have resided in the United States one or more years, and shall have resided in the State during the twelve months, and in the county three months immediately preceding such election, and shall have declared his intention to become a citizen of the United States, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote in the township or precinct where he shall have resided the thirty days immediately preceding such election.

Mr. Dittemore moved to strike out the word "male" where it occurs.

Mr. Smith moved to lay the motion on the table.

Which was agreed to.

Mr. Williams offered the following amendment: Strike out the words "twelve months" and insert the words "six months."

The question being on the adoption of the amendment by Mr. Williams.

Messrs. Bird and Dittemore demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Beardsley, Bird, Bowman, Carnahan, Cave, Daugherty, Dittemore, Fuller, Francisco, Gooding, Gregg, Harney, Sarnighausen, Slater, Smith, Wadge, Williams and Winterbotham—18.

Those who voted in the negative were, Messrs. Armstrong, Boone, Bunyan, Chapman, Collett, Daggy, Friedley (of Scott), Friedley (of Lawrence,) Hall, Haworth, Hough, Hubbard, Neff, Oliver, Orr, Rhodes, Ringo, Scott, Sleeth, Stroud, Taylor and Thompson—22.

So the amendment was not adopted.

Mr. Gregg moved to strike out the words "three months."

Which was not agreed to.

The question being on the adoption of the "first" amendment reported by the committee.

The ayes and noes being taken under the constitution.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Boone, Bowman, Brown, Bunyan, Chapman, Collett, Daggy, Daugherty, Friedley (of Scott), Friedley (of Lawrence), Harney, Haworth, Hough, Hubbard, Neff, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Taylor, Thompson, Wadge, Williams and Winterbotham—28.

Those who voted in the negative were, Messrs. Bird, Carnahan, Cave, Fuller, Gooding, Gregg, Slater, Smith and Stroud—9.

So the "first" amendment was adopted.

Mr. Williams moved to take up the message from the House containing a joint resolution proposing amendments to the constitution of the State.

It was agreed to.

House Joint Resolution No. 23—a joint resolution to amend article two, section fourteen, of the constitution.

Amend section fourteen of article two of the constitution of the State, so as to read as follows, to-wit :

SECTION 14. All general elections shall be held on such day as shall be provided by law.

Mr. Williams moved to refer the joint resolution to a select committee of three.

Which was agreed to.

The President announced as such committee Messrs. Williams, Hough and Hubbard.

On motion by Mr. Daugherty, the Senate took a recess until two o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled, 2 o'clock.

Mr. Wadge submitted the following report:

MR. PRESIDENT:

'The committee who were appointed to investigate the charges made that money was being used to influence Senators in their votes on the bill for the suppression of intemperance, desire to present the following report:

The committee examined John W. Ray, the gentleman who is reported to have made the statement, and find by his testimony that he made the charge on indefinite rumor. They also examined the persons referred to by his witnesses, who are among the best and most responsible men in this city, and find by their testimony that not only was no money raised for the purpose charged, but the testimony of *Mr. Bals*, the President of the organization having for its object the testing of the constitutionality of the law was prosecuted, that on the call of the meeting, as its President, he stated distinctly that if the object of the fund proposed to be raised was for any other purpose than testing it in the courts, he must decline having anything to do with it. This gentleman is the custodian of the fund which, at the time he was examined, amounted to over ten thousand dollars, and he positively stated that it was raised for the purpose of testing the constitutionality of the law, and none other. The committee could find no evidence that any Senator received any money, as intimated, or that any Senator had been promised money in case of the defeat of the bill.

In conclusion, the committee can but express their surprise that any person should have made such statements on such shallow evidence.

Which report was concurred in.

Mr. Williams submitted the following report:

MR. PRESIDENT:

The Select Committee, to whom was referred "Joint Resolution No. 23, of the House, entitled a joint resolution to amend article

two, section fourteen, of the Constitution," have had the same under consideration, and have directed me to report the same back to the Senate with the recommendation that the same be amended by striking out all between the word "on," in line two, and the word "provided," in line three, and insert in lieu thereof the following words, to-wit: "On the first Tuesday after the first Monday in November, until otherwise ordered."

Amend further by prefixing to the resolution the following words :

MR. PRESIDENT :.

I am directed by the House of Representatives to inform the Senate, that the House has passed the following joint resolution to-wit :

House Joint Resolution No. 22—a joint resolution proposing amendments to the constitution of the State of Indiana, and the same is herewith submitted to the Senate for its action thereon; also I am directed by the House of Representatives to inform the Senate that the House has adopted the following concurrent resolution, to-wit :

Resolved by the House, the Senate concurring, that the Secretary of State be instructed to have printed one thousand copies of the court bill and five hundred copies of the fee and salary bill.

In which the concurrence of the Senate is respectfully requested.

Mr. Gooding moved to take up the Message from the House.

Which was agreed to.

The question being on concurring in the concurrent resolution of the House in regard to printing certain laws.

It was agreed to.

On motion the Joint Resolution of the House, No. 22, relating to proposed amendments to the constitution, was taken up.

House Joint Resolution No. 22—a joint resolution proposing certain amendments to the constitution of the State of Indiana.

Amend article two, section two to read as follows :

SECTION 2. *Be it resolved by the General Assembly of the State of Indiana.*

Also amend by striking out the word "amend" in line one and insert the word "that." Also amend by inserting in line two, after the word "State" the words, "be and the same is hereby amended."

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT:

In all elections not otherwise provided for by this constitution every male citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the State during the twelve months and in the county three months immediately preceding such election, and every male of foreign birth of the age of twenty-one years and upwards who shall have resided in the United States, one or more years, and shall have resided in the State during the twelve months and in the county three months immediately preceding such election, and shall have declared his intentions to become a citizen of the United States, conformably to the laws of the United States, on the subject of naturalization shall be entitled to vote in the township or precinct where he shall have resided for the thirty days immediately preceding such election.

The question being on the adoption of said second section.

Mr. Williams moved to strike out the words "twelve months" wherever it occurs and insert six months.

Which was not agreed to.

Mr. Gregg moved to strike out the words "three months."

Which was not agreed to.

The question recurring on the adoption of the second section.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Boone, Bowman, Bunyan, Carnahan, Chapman, Collett, Daggy, Daugherty, Friedley (of Scott), Friedley (of Law-

ence), Glessner, Gooding, Harney, Haworth, Hough, Hubbard, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Taylor, Thompson, Wadge, Williams and Winterbotham—30.

Messrs. Bird, Cave, Gregg, Hall, Slater and Smith voting in the negative—6.

So the the amendment was adopted.

SECTION 3. Amend by striking out section five of article two.

The question being on the adoption of the amendment.

The ayes and noes being taken under the constitution.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Boone, Bowman, Bunyan, Chapman, Collett, Daggy, Daugherty, Friedley (of Scott), Friedley (of Lawrence), Gregg, Gooding, Haworth, Hall, Hough, Hubbard, Oliver, Orr, Ringo, Sarnighausen, Scott, Sleeth, Taylor, Thompson, Wadge, Williams and Winterbotham—28.

Messrs. Bird, Carnahan, Cave, Glessner, Harney, Slater and Smith voting in the negative—7.

So the amendment was adopted.

The question being the adoption of the following amendment:

Amend section 4 by striking out of the same the word "white."

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Boone, Bowman, Bunyan, Chapman, Collett, Daggy, Daugherty, Friedley (of Scott,) Friedley (of Lawrence,) Gooding, Hall, Haworth, Hough, Hubbard, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Taylor, Thompson, Wadge and Winterbotham—27.

Messrs. Bird, Carnahan, Cave, Glessner, Gregg, Harney, Slater, Smith and Williams voting in the negative—9.

So the amendment was adopted.

The question being on the adoption of the following amendments :

Amend section 5 of article four striking out of the same the word "white."

The ayes and noes being taken under the rule,

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Boone Bowman Bunyan, Chapman, Collett, Daggy, Daugherty, Friedley (of Scott,) Friedley (of Lawrence,) Gooding, Hall, Haworth, Hough, Hubbard, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Sleeth. Taylor, Thompson, Wadge, Williams and Winterbotham—28.

Messrs. Bird, Carnahan, Cave, Glessner, Gregg, Harney, Slater and Smith voting in the negative—8

So the amendment was adopted.

Amend section 18 of article 4 to read as follows :

"SECTION 8. Every bill shall be read by sections on three several days in each House; in case of emergencies a majority of all the members elected to the House where such bill may be depending, shall, by a vote of yeas and nays, deem it expedient to dispense with this rule; but the reading of a bill by sections on its final passage shall in no case be dispensed with, and the vote on the passage of every bill or joint resolution shall be taken by yeas and nays."

The question being on the adoption of the amendment,

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were, Messrs. Bird, Carnahan, Cave, Daugherty, Dittemore, Gooding, Gregg, Hall, Harney, Ringo, Slater, Smith, Stroud, Williams and Winterbotham—15.

Those who voted in the negative were Messrs. Armstrong, Beardsley, Boone, Bowman, Bunyan, Chapman, Collett, Daggy, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Haworth, Hough, Hubbard, Oliver Orr, Rhodes, Sarnighausen, Scott, Sleeth, Taylor, Thompson and Wadge—23.

So the amendment was not adopted.

Amend section 2 of article 7 to read as follows :

“SECTION 2. The Supreme Court shall consist of not less than five nor more than seven judges, a majority of whom shall hold their offices for six years, if they so long behave well; *Provided*, that the judges elected at the first election after the taking effect of the amendment shall be divided by lot into three classes as nearly as may be, the fraction to be in the last class, and the seats of the first class shall be vacated at the expiration of two years. Those of the second class, at the expiration of four years, and those of the third class at the expiration of six years; so that one-third, as nearly as practicable, shall be chosen biennially forever thereafter.”

The question being on the adoption of the amendments.

Mr. Daggy moved to amend by abolishing the supreme court.

Mr. Smith moved to lay the amendment on the table.

Messrs. Dittemore and Smith demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Boone, Bowman, Bunyan, Carnahan, Cave, Chapman, Daugherty, Friedley (of Lawrence), Glessner, Gooding, Gregg, Harney, Haworth, Hough, Hubbard, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Stroud, Taylor, Thompson, Wadge, Williams and Winterbotham—30.

Those who voted in the negative were, Messrs. Beardsley, Bird, Daggy, Dittemore, Friedley (of Scott) and Orr—6.

So the amendment to the amendment was laid on the table.

The question recurring on the adoption of the amendment.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Boone, Bowman, Bunyan, Carnahan, Chapman, Daggy, Daugherty, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Hall, Haworth, Hough, Hubbard, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Smith, Stroud, Taylor, Thompson, Wadge and Williams—30.

Those who voted in the negative were, Messrs. Bird, Cave, Dittemore, Gregg, Harney, Orr and Slater—7.

So the amendment was adopted.

SEC. 8. Amend by striking out all the section in article thirteen and inserting in lieu thereof the following section :

SEC. 1. No political or municipal corporation in this State shall ever become indebted in any manner, or for any purpose, to an amount in the aggregate exceeding five per centum on the value of the taxable property within such corporations to be ascertained by the last assessment for State and county purposes, previous to the incurring of such indebtedness, and all bonds or obligations in excess of such amount given by such corporations, shall be void.

The question being on the adoption of the amendment.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Boone, Bowman, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Gregg, Hall, Haworth, Hough, Hubbard, Neff, Oliver, Orr, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Stroud, Taylor, Thompson, Wadge and Williams—34.

Those who voted in the negative were, Messrs. Bird, Daugherty, Dittemore and Harney—4.

So the amendment was adopted.

Mr. Daggy offered the following amendment:

Add section thirty-two to article seven: "The election for Judicial officers may be provided for by the General Assembly, to take place at such time when no other election is not pending."

The question being on the adoption of the amendment,

The ayes and noes being taken under the rule.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Boone, Bowman, Bunyan, Carnahan, Chapman, Daggy, Daugherty, Friedley (of Scott), Friedley, (of Lawrence,) Glessner, Gooding, Hall, Haworth, Hough, Hubbard, Neff, Oliver,

Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Smith, Stroud, Taylor, Thompson, Wadge and Williams—30.

Those who voted in the negative were Messrs. Bird, Cave, Dittemore, Gregg, Harney, Orr and Slater—7.

So the amendment was adopted.

Joint Resolution No. 22, House of Representatives—a joint resolution proposing amendments to the Constitution of the State of Indiana.

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana,* That the following amendments to the Constitution of the State of Indiana be submitted to the people of this State for their adoption or rejection :

Amend article two, section two, to read as follows :

SEC. 2. In all elections not otherwise provided for by this constitution, every male citizen of the United States of the age of twenty-one years and upwards, who shall have resided in the State during the twelve months, and in the county three months immediately preceding such election, and every male of foreign birth of the age of twenty-one years and upwards, who shall have resided in the United States one or more years, and shall have resided in the State during the twelve months, and in the county three months immediately preceding such election, and shall have declared his intentions to become a citizen of the United States, conformably to the laws of the United States and on the subject of naturalization, shall be entitled to a vote in the township or precinct where he shall have resided for the thirty days immediately preceding such election.

SEC. 3. Amend by striking out section five of article two.

SEC. 4. Amend section four of article four by striking out of the same the word "white."

Amend section 5 of article four by striking out of the same the word "white."

Amend section two of article seven, to read as follows :

"SEC. 2. The supreme court shall consist of not less than five, nor more than seven judges, a majority of whom shall form a quorum. They shall hold their offices for six years if they so long behave well, provided that the judges elected at the first election after the taking effect of this amendment shall be divided by lot, into three classes as nearly as may be, the fraction to be in the last class, and the seats of the first class shall be vacated at the expiration of two years, those of the second class at the expiration of four years and those of the third class at the expiration of six years, so that one third as nearly as practicable shall be chosen biennially for ever thereafter.

Amend by striking out all of section seven in article thirteen and inserting in lieu thereof the following section :

"SEC. 1. No political or municipal corporation in this State shall ever become indebted in any manner or for any purpose to an amount in the aggregate exceeding five per centum on the value of the taxable property within such corporation, to be ascertained by the last assessment for State and county purposes, previous to the incurring of such indebtedness ; and all bonds and obligations in excess of such amount given by such corporation shall be void.

Amend further by adding the following section to article seven of section twenty-two : "The election for judicial officers may be provided for by the General Assembly to take place at such time when no other election is pending.

The question now being on the passage of the Joint Resolution as a whole.

The ayes and noes being taken under the constitution.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Boone, Bowman, Bunyan, Carnahan, Chapman, Daggy, Daugherty, Friedley (of Scott,) Friedley (of Lawrence,) Glessner, Gooding, Hall, Haworth, Hough, Hubbard, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott Sleeth, Smith, Stroud, Taylor, Thomson, Wadge and Williams—30.

Those who voted in the negative were, Messrs. Bird, Cave, Ditemore, Gregg, Harney, Orr and Slater—7.

So the joint resolution passed.

The question being, shall the title, as read, stand as the title of the Resolution.

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the Joint Resolution.

Joint Resolution No. 23 House of Representatives—a joint resolution to amend Article two, Section four of the Constitution.

Be it resolved by the General Assembly of the State of Indiana, That Section fourteen of Article two of the Constitution be and the same is hereby amended so as to read as follows, to-wit:

Sec. 14. All general elections shall be held on the first Tuesday after the first Monday in November until otherwise provided by law.

Which was taken up.

Mr. Dittemere moved to reconsider the vote on his motion to strike out the word "male."

Mr. Smith moved to lay the motion on the table.

Messrs. Gregg and Dittemore demanded the yeas and noes.

Those who voted in the affirmative were, Messrs. Boone, Bowman, Bunyan, Cave, Chapman, Daugherty, Friedley (of Lawrence,) Glessner, Gooding, Gregg, Harney, Hough, Hubbard, Neff, Sarnighausen, Slater, Smith, Stroud, Wadge and Williams—20.

Those who voted in the negative were Messrs. Armstrong, Bird, Carnahan, Daggy, Dittemore, Hall, Haworth, Orr, Rhodes, Ringo, Scott, Sleeth, Taylor, and Thompson—14.

So the amendment was laid on the table.

Mr. Gooding offered the following amendment: Amend section fourteen, article two of the constitution to read as follows:

Section 13. All elections by the people shall be by ballot but the General Assembly may pass laws for the registration of voters and the numbering of ballots. All elections by the General Assembly, or either branch thereof shall be *viva voce*.

Which on motion was laid on the table.

The question being on the adoption of the joint resolution as a whole.

The ayes and noes being taken under the constitution.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Boone, Bowman, Bunyan, Chapman, Carnahan, Daggy, Daugherty, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gooding, Hall, Haworth, Hough, Hubbard, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Smith, Stroud, Taylor, Thompson, Wadge and Williams—30.

Those who voted in the negative were, Messrs. Bird, Cave, Dittemore, Gregg, Harney, Orr and Slater—7.

So the joint resolution passed.

The question being, shall the title as read stand as the title of the joint resolution?

It was so ordered.

ORDERED: That the Secretary inform the House of the passage of the joint resolution.

On motion the concurrent resolution of the House in relation to the House of Refuge was taken up.

Mr. Dittemore moved to lay the whole matter on the table.

Which was agreed to.

Mr. Gooding offered the following resolution:

Resolved by the Senate, the House of Representatives concurring therein, That the Governor, Auditor of State, and Secretary of State be, and they are hereby authorized, to contract for, and build an additional building, on the grounds now owned by the State, for the accommodation of the insane of this State: Provided, the cost thereof, shall not exceed the sum of \$500,000.

Mr. Daggy offered the following resolution as a substitute:

Resolved by the Senate, the House of Representatives concurring, That the Governor, Auditor, Secretary and Treasurer of State be,

and the same are hereby, authorized and empowered, by and with the advice of the Superintendent of the Insane Asylum, to take the necessary steps for the erection of an additional Asylum for the insane on the grounds now occupied by the Insane Asylum; that said asylum be similar in plan and construction to the one now erected, with such modifications and improvements as may be needed; such asylum not to exceed in cost the sum of five hundred thousand dollars. The faith of the State is hereby pledged for the faithful payment of whatever amount shall be expended under this resolution before the assembling of the next General Assembly.

Mr. Gregg offered the following amendment:

“Also, that the Governor, Auditor and Secretary of State be authorized to furnish and complete the Reformatory Institution for women and girls for the temporary use of the insane people of the State.”

Mr. Sleeth offered the following amendment to the amendment:

Amend by adding the following: “*Provided, however,* That the changes to be made in said building shall not exceed in cost the sum of ten thousand dollars.”

Mr. Harney moved to lay the whole subject on the table.

Messrs. Gregg and Gooding demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Bird, Boone, Brown, Cave, Friedley (of Scott), Glessner, Harney, Hough, Neff and Orr—10.

Those who voted in the negative were, Messrs. Beardsley, Bowman, Carnahan, Chapman, Collett, Daggy, Daugherty, Dittemore, Friedley (of Lawrence), Gooding, Gregg, Hall, Hubbard, Oliver, Rhodes, Ringo, Scott, Slater, Sleeth, Stroud, Thompson, Wadge, Williams and Winterbotham—24.

So the motion to lay on the table did not prevail.

The question being on the adoption of the amendment by Mr. Sleeth,

It was agreed to.

The question being on the adoption of the amendment by Mr. Gregg,

Messrs. Harney and Hough demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Bird, Boone Bowman, Bunyan, Carnahan, Cave, Chapman, Collett, Daggy, Daugherty, Dittemore, Friedley (of Scott), Gooding, Gregg, Hubbard, Rhodes, Ringo, Scott, Slater, Sleeth, Stroud, Williams and Winterbotham—25.

Those who voted in the negative were, Messrs. Brown, Glessner, Hall, Harney, Hough, Neff, Oliver, Orr, Sarnighausen, Smith, Thompson and Wadge—12.

So the amendment was adopted.

The question being on the adoption of Mr. Daggy's substitute.

Messrs. Glessner and Brown demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Beardsley, Bird, Boone, Bowman, Carnahan, Chapman, Collett, Daggy, Dittemore, Gooding, Hubbard, Oliver, Rhodes, Ringo, Scott, Slater, Sleeth, Stroud, Thompson and Williams—21.

Those who voted in the negative were, Messrs. Brown, Daugherty, Friedley (of Scott), Friedley (of Lawrence), Glessner, Gregg, Harney, Hall, Hough, Neff, Orr, Sarnighausen, Smith and Winterbotham—14.

So the substitute was adopted.

ORDERED: That the Secretary inform the House thereof.

The President laid before the Senate the following report:

Amount of warrants drawn on the Auditor of State by Leonidas Sexton, President of the Senate, for Senators per diem and mileage, and per diem of elective officers, and employes of the Senate, as allowed by law and resolution of the Senate, of the forty-eighth regular session of the General Assembly of Indiana.

Senators' mileage.....	\$ 2,090 60
Senators' per diem.....	24,888 00
Officers' per diem.....	915 00
Employes' per diem.....	10,370 00
Pages' per diem.....	732 00
Allowed by resolution.....	2,698 00

Total expenditures.....\$41,693 60
For the forty-eighth regular session of the Indiana Senate.

LEONIDAS SEXTON,
PRIMUS P. CULVER, Lieutenant-Governor.
Assistant Secretary.

Mr. Dittmore offered the following resolution :

Resolved, By the Senate, that the following employes be each allowed for fifteen days extra services, on account of working at night and extra hours, to be paid out the fund appropriated for Legislative expenses, and that the President of the Senate is hereby authorized to draw his warrants on the Auditor and issue them to the Journal Clerks, Engrossing Clerks, Enrolling Clerks, Reading, File and Registry Clerks, also, to the Doorkeeper, and his assistants in the Senate and to the Senate Postmaster.

The question being on the adoption of the resolution, Messrs. Neff and Hough demanded the ayes and noes.

Those who voted in the affirmative were, Messrs. Armstrong, Bird, Bowman, Collett, Dittmore, Hall, Orr, Scott, Smith, Stroud, Thompson and Winterbotham—12.

Those who voted in the negative were, Messrs. Beardsley, Boone, Bunyan, Carnahan, Chapman, Daggy, Daugherty, Gooding, Gregg, Hough, Hubbard, Neff, Rhodes, Slater and Williams—15.

So the resolution was not adopted.

Mr. Bird offered the following resolution :

Resolved, That a committee of three be appointed to wait upon his Excellency, the Governor, and ascertain if he has any further communications to make to this body.

Which was adopted.

Whereupon the President appointed Messrs. Bird, Daggy and Thompson.

Mr. Gooding offered the following :

WHEREAS, At the late Special Session of this General Assembly the Senate, by resolution instructing the Secretary to cause a copy of the Journal to be made for the use of the State Printer; and,

WHEREAS, to accomplish said work it became necessary to employ additional clerical force to complete the work within the time fixed by law; and,

WHEREAS, The same being finished after the adjournment of the Special Session the same has not been paid. Therefore,

Resolved, That the President of the Senate draw his warrant in favor of such clerks for the number of days actually employed in such work as certified to by the Secretary, to be drawn out of the legislative fund.

Which was adopted.

Mr. Chapman moved to reconsider the vote on the adoption of Mr. Gooding's resolution.

Mr. Dittemore moved to lay the motion on the table.

Messrs. Hubbard and Chapman demanded the ayes and noes.

Those who voted in the affirmative were, [Messrs. Armstrong, Bowman, Dittemore, Gooding, Gregg, Neff, Oliver, Rhodes, Ringo, Scott, Sleeth, Stroud, Wadge and Winterbotham—14.

Those who voted in the negative were, Messrs. Beardsley, Boone, Bunyan, Carnahan, Chapman, Collett, Hough, Hubbard and Williams—9.

So the motion to lay on the table was agreed to.

Mr. Dittemore offered the following resolution :

WHEREAS, The furniture and other property ordered sold by the

General Assembly was paid for out of the State House fund, therefore,

Be it resolved by the Senate, That the proceeds of the sale of the furniture sold by order of this body be credited to the State House fund.

Which was not agreed to.

Mr. Friedley, of Scott, offered the following resolution :

Resolved, That the Doorkeeper be allowed to retain the bed furnished for the use of the night guard of the Senate chamber.

Which, on motion, was laid on the table.

Mr. Sarnighausen offered the following resolution :

Resolved by the Senate, the House concurring, That this General Assembly do now adjourn *sine die*.

Which was adopted.

Message from the House by Mr. Nixon, Clerk thereof :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has failed to concur in the resolution of the Senate in relation to the new Insane Asylum and the Reformatory Institution for Girls and women, and that the House has concurred in the resolution of the Senate, "that the General Assembly do now adjourn *sine die*."

Also, I am directed by the House of Representatives to inform the Senate, that the House has concurred in the amendments of the the Senate to the following concurrent resolutions of the House, to-wit :

The resolution with reference to public grounds and public buildings, and State House property.

Also, the concurrent resolution in relation to the building of a new State Capitol.

Also, the Senate concurrent resolution in reference to owners of a mill at Blue Island, by striking therefrom the last resolution.

Also, I am directed by the House of Representatives to inform the Senate, that the House has concurred in the resolution of the Senate in reference to the true intent of the laws passed by this session duplicating certain salaries of certain State officers.

Also, I am directed by the House of Representatives to inform the Senate, that the House has passed the following concurrent resolution of the Senate, to-wit:

Resolved by the Senate, the House concurring, That the Secretary of State be requested to have printed two thousand copies of the acts known as the circuit court bill, the fee bill, the assessment bills, have them stitched together, and distribute them to the counties of the State according to the ratio of population ;

To which the House adds the following amendments: Strike out of the resolution the following words: "The act known as the circuit court bill and the fee bill."

Also, add the following amendment: Amend by inserting, also, the bill in regard to the order of business in the circuit court, the bill in regard to the convening and adjournment of grand juries, and the bill in relation to prosecutions for misdemeanors on affidavit—to be printed with the court bill."

Also, I am directed by the House of Representatives to inform the Senate, that the House has concurred in the amendments of the Senate to House joint resolution No. 23, entitled "A joint resolution proposing amendments to the Constitution of the State of Indiana."

Also, I am directed by the House of Representatives to inform the Senate, that the House has concurred in the Senate amendments to House joint resolution No. 22—a joint resolution proposing amendments to the Constitution of the State of Indiana."

Also, I am directed to inform the Senate the Speaker has appointed Messrs. Branham, Glazebrook and King on the select committee of the two Houses, provided for in the concurrent resolution in relation to plans, specifications for building a new State house.

Mr. Collett made the following report:

MR. PRESIDENT :

The Joint Committee on Enrolled Bills have compared Enrolled Joint Resolution No. 22 and 23 of the House of Representatives and find them correctly enrolled.

Message from the House by Mr. Nixon, Clerk thereof :

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate, that he has signed enrolled Joint Resolutions Nos. 22 and 23 of the House of Representatives, and the same is herewith submitted to the Senate for the signature of the President thereof.

Mr. Collett made the following report :

MR. PRESIDENT :

I am directed by the Joint Committee on Enrolled Bills to inform the Senate, that they have presented Enrolled Joint Resolution of the House Nos. 22 and 23 to the Governor this 10th day of March, 1873.

Message from the Governor by Samuel R. Downey, his Private Secretary.

MR. PRESIDENT :

By direction of the Governor, I have the honor to respectfully inform the Senate, that his Excellency has approved and signed enrolled act No. 106 entitled, "An act to prescribe the qualifications of petit jurors in the several courts of this State.

Also enrolled act No. 305, entitled, "An act to incorporate trustees selected by any religious society, for educational purposes and enable them to receive and hold real and personal property for such purposes."

Also enrolled act No. 120, entitled, "An act to protect the ballot box, to procure a fair election, to define felonies, and prescribe punishment therefor."

Also Enrolled Act No. 24, entitled, "An act to amend section

thirty of an act entitled an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto, approved December 20, 1865, and declaring emergency."

Also Enrolled Act No. 206, entitled "An act to encourage agriculture and agricultural fairs by the purchase and improvement of fair grounds."

Also, enrolled act No. 155, entitled, "An act to provide for the reimbursement to certain counties therein named of certain taxes illegally assessed and collected for the year 1869 and paid into the State Treasury and declaring an emergency."

Also, Enrolled Act No. 176, entitled, "An act supplemental to and repealing section thirteen of an act entitled an act to establish public libraries, approved February 16, 1852, defining the powers of cities in relation thereto, providing for the collection of fines and forfeitures imposed by library associations and permitting other corporations to take stock in the same."

Also, Enrolled Act No. 333, entitled "An act for the relief of the indigent cripples of the State Indiana."

Also, Enrolled Act No. 222 entitled "An act making it unlawful for owners and proprietors of billiard tables to suffer or permit minors to play at or upon the same, or to suffer or permit minors to congregate at and about such billiard tables, and providing penalties for the violation of this act."

Also, enrolled Act No. 346, entitled "An act fixing the times for holding the courts in the thirty-eighth judicial circuit, and to continue in force certain provisions of law applicable thereto, and declaring an emergency."

Also, Enrolled Act No. 304, entitled "An act to amend the fifteenth section of an act entitled 'An act prescribing the manner of compelling officers to give new bonds and additional sureties,' " approved May 21, 1852.

Also, Enrolled Act No. 292, entitled "An act regulating the fees of officers and providing penalties for its violation; repealing certain acts therein named, and providing duties to be performed by

State, county and township officers, and matters properly connected therewith, and declaring an emergency."

Also, Enrolled Act No. 300, entitled "An act for the relief of the Lye Creek Draining Association."

Also, Enrolled Act No. 289, entitled "An act to fix the salaries of judges of the supreme, superior and criminal courts of this State, and to provide for the time and manner of payment."

Also, Enrolled Act No. 117, entitled "An act regulating the granting of divorces, nullification of marriages and decrees and orders of courts incident thereto and repealing all laws conflicting with this act, and declaring an emergency."

Also, Enrolled Act No. 345, entitled "An act to amend section forty of an act entitled, 'An act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein, abolishing the Courts of Common Pleas and transferring the business thereof to the Circuit Courts and providing for the election of judges and prosecuting attorneys in certain cases,'" approved March 6th, 1873.

Also, Enrolled Act No. 73, entitled "An act to amend sections fifteen and sixteen of an act, entitled 'An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof and declaring their duties;' approved June 11th, 1852; and providing for the election of the town marshal by the town trustees, and declaring an emergency."

Also, Enrolled Act No. 34, entitled "An act to amend section ninety of an act, entitled 'An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State;' approved June 17th, 1852, and declaring an emergency."

Also, Enrolled Act No. 239, entitled "An act authorizing incorporated cities containing a population of fifteen thousand, to make loans and prescribing rules and regulations concerning the borrowing of money by such cities."

Also, Enrolled Act No. 278, entitled "An act to amend section fifty-three of an act, entitled 'An act to repeal all general laws now

in force for the incorporation of cities and to provide for the incorporation of cities and prescribing the powers and rights and the manner in which they shall exercise the same, and regulating such other matters as properly pertains thereto;’ approved March 14th, 1867, and declaring an emergency.”

Also, Enrolled Act No. 250, entitled “An an to further prescribe the duties of the Secretary of State, and to provide for the necessary arrangements, clerks and expenses of his office.”

Also, he has received joint resolution instructing our Senators and requesting our Representatives in Congress to use all proper means to secure the establishment of a district court for Northern Indiana at the city of Fort Wayne; also a distributing postoffice at said city and obtain an appropriation for the erection of a suitable building for the purposes contemplated by said resolution.

Also, Enrolled Act No. 325, entitled “An act for an act to authorize the Governor of the State of Indiana to exchange with Peter Donnelly, certain lands therein described;” and he has caused the same to be deposited in the office of the Secretary of State.

Message from the House by Mr. Nixon, Clerk thereof:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has adopted the following concurrent resolution, to-wit:

Resolved by the House, the Senate concurring, That the commissioners of the house of refuge be, and they are hereby authorized to expend in improving the buildings of the said house of refuge, any surplus sums of money, if any there be, out of the amount appropriated by the general appropriation bill for the years 1873 and 1874.

In which the concurrence of the Senate is respectfully requested.

Also, I am directed by the House of Representatives to inform the Senate, that the House has about completed the business of the present session, and to ask the Senate whether it has any fur-

ther communications to make to the House and at what hour the Senate will adjourn *sine die*.

Also, I am directed by the House of Representatives to inform the Senate that the House has adopted the following concurrent resolution to-wit :

Resolved by the House, the Senate concurring that the Secretary of State is hereby authorized to have printed, one thousand copies of the law abolishing the common pleas court and redistricting the State for judicial purposes, and five hundred copies of the law, regulating the fees and salaries of county officers, in pamphlet form, and have them distributed equally among the counties of the State to the various clerks of the counties.

And the same is herewith submitted to the Senate, for concurrence therein.

Also, I am directed by the Speaker of the House of Representatives to inform the Senate, that he has signed the following Enrolled Joint Resolution to-wit :

House Joint Resolution No. 19—a joint resolution instructing our Senators and requesting our Representatives in Congress to restore certain soldiers therein mentioned, to their original positions on the rolls of the army.

Also, Senate Joint Resolution No. 16—a joint resolution in relation to railroad corporations, and defining the duties, and giving directions to the Attorney General as to suits now pending and which may hereafter be brought.

And the same are herewith submitted to the Senate for the signature of the President thereof.

Message from the Governor by Samuel R. Downey, his private Secretary.

MR. PRESIDENT :

By direction of the Governor, I respectfully return to the Senate Enrolled Act No. 48, with a communication setting forth his objections to its becoming a law.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, March 10th, 1873. }

Gentlemen of the Senate :—I herewith return, without my signature and with my objections, Senate bill No. 48. The “Indiana Soldiers’ and Seaman’s Home” was established at Knightstown Springs, in Rush county, by the act of March 11, 1867, and was for the maintenance of sick and disabled Indiana soldiers and seamen, and their orphans and widows. That act provided for the admission to the Institution, of soldiers and seamen partially and totally disabled, their orphans under fifteen years of age and their widows. It restricted the expenditures for their maintenance to one dollar and fifty cents per week. That act was amended by the act of May 14, 1869, so as to increase the appropriation to two dollars per week for each inmate and person connected with the institution.

For some time past the institution has ceased to be used for the maintenance of the disabled soldiers and seamen of Indiana, but is used for the maintenance of their orphan children. The laws to which I have referred amply provide for such use. The bill which I now return proposes to change existing laws as follows:

First. To declare the institution to be “The Indiana Soldiers Orphans Home.

Second. To repeal so much of the act of 1867, as provides for the admission of disabled Soldiers and their widows.

Third. Increasing the rate of appropriation from two to three dollars per week, for each inmate and person connected with the institution; and

Fourth. Providing for the admission of orphans not the children of Soldiers or Seamen, upon the application of the counties and at the cost of the counties.

The children of others than Soldiers, to be admitted must be less than ten years of age.

I ask your further consideration of the proposition to increase the expenses of the institution fifty *per centum*. Have you sufficient evidence of its necessity to justify its adoption?

I object to the provisions for the admission of children other than those of the soldier and seamen. Its probable effect will be, in the end, to change the character of the institution. As years roll by the number of soldiers’ children requiring such a home, will decrease,

and the number of other children thus provided for will increase, so that, finally, it will become a State Orphan Asylum.

Is such an institution now to be established? Do you think that it will be well for society and for the children themselves, to bring children under ten years of age from their homes in the counties, to a public State Institution? I cannot think so. At less cost to society, and with better results to themselves, they can be provided for in the neighborhood in which they were born and among the friends and relations of their parents. I think this measure is intended to make this a permanent institution, after it shall cease to be required for the soldiers' and seamen's orphans, and I feel it my duty to ask your careful consideration of it, before its adoption.

In this connection, I ask your attention to the fact that our public institutions are greatly increasing, and that the appropriations for their support are becoming very large. Whilst you will not, because of the cost, fail to provide for the unfortunate, who should be provided for out of the public treasury, yet I ask your careful consideration of any proposition tending to establish new and expensive institutions.

THOMAS A. HENDRICKS,
Governor.

The President announced that the constitutional limitation of the session had expired and therefore he declared the Senate adjourned, *sine die*.

LEONIDAS SEXTON,
President of the Senate.

D. H. OLIVE,
Principal Secretary.

PRIMUS P. CULVER, Assistant Secretary.

INDEX.

A

ABSENCE LEAVE OF, GRANTED TO—

Senator Rosebrugh	16
Thompson.....	20, 49
Hough	20, 349
Collett.....	49, 236
O'Brien.....	49, 236, 509, 600
Neff.....	72, 236
Bird	94
Glessner.....	116
Brown.....	116, 274, 457
Winterbotham.....	116, 179, 463
Hubbard.....	123, 330
Oliver.....	151
Wadge.....	165, 601
Daggy.....	179, 273, 457
Dittemore.....	206
Bunyan.....	216
Steele.....	218
Scott.....	236
Armstrong.....	236
Gregg.....	236
Ringo.....	236
Chapman	236
Francisco.....	236
Bowman.....	236, 540
Sleeth.....	236, 330, 427
Williams.....	274, 331
Gooding.....	274
Beardsley.....	274
Slater.....	306
Taylor.....	330
Rhodes	330
Miller.....	348, 561
Friedley, J. H.....	348
Cave.....	400
Daugherty.....	457
Smith.....	462, 664
Orr.....	501, 618, 871
Stroud.....	517
Howard.....	544
Friedley Geo. W.....	647
Haworth.....	70
Harney.....	879

AYES AND NOES—

On a motion to adjourn.....	4
On election of President of Senate.....	9
On election of Secretary of State.....	9
On election of Assistant Secretary.....	10
On indefinitely postponing Williams' resolution.....	13
On suspension of constitutional rule on Senate bill No. 168.....	16
On suspension of constitutional rule on Senate bill No. 172.....	19
On making Senate bill No. 9 special order.....	20
On laying Williams' amendment on the table.....	26
On election of President of Board of Benevolent Institutions in Joint Convention.....	28
On election of Trustee of Blind Asylum.....	29
On election of Trustee of Deaf and Dumb Asylum.....	30
On election of Trustee of Inasane Asylum.....	31
On election of Canal Trustee.....	32
On election of State Librarian.....	34
On election of Directors of State Prison South.....	35, 38
On election of Directors of State Prison North.....	38, 41
On election of Trustee of Soldiers' Home.....	42
On confirming appointment of O. F. Coffin.....	44
On suspension of constitutional rule on Senate bill No. 168.....	48
On suspension of constitutional rule on Senate bill No. 62.....	61
On passage of Senate bill No. 62.....	62
On laying Dwiggins motion on the table.....	62
On laying report of committee on the table.....	63
On laying a motion to reconsider on the table.....	63
On a motion to adjourn.....	64
On adoption of Brown's amendment.....	65
On adoption of resolution.....	65
On laying a motion to reconsider on the table.....	66
On laying a resolution on the table.....	73
On laying Dittemore's motion on the table.....	78
On laying resolution on the table.....	79
On passage of Senate Bill No. 168.....	
On adoption of a concurrent resolution.....	89
On suspension of constitutional rule.....	9
On laying motion on the table.....	95
On concurring in report of the committee.....	96
On laying resolution on the table.....	103
On concurring in minority report of the Committee on House bill No. 294.....	106
On passage of House Bill No. 294.....	107
On laying Glessner's amendment on the table.....	110
On laying motion on the table.....	111
On laying motion on the table.....	112
On passage of Senate bill No. 147.....	113
On suspension of constitutional rule.....	119
On adoption of a resolution.....	124
On laying a motion on the table.....	134
On adoption of Senate Joint Resolution No. 4.....	146
On suspension of constitutional rule.....	148
On suspension of the constitutional rule.....	149
On passage of Senate bill No. 29.....	150
On laying motion on the table.....	153
On adoption of Brown's motion.....	153
On agreeing to a motion.....	158
On laying motion on the table.....	159
On laying motion on the table.....	160
On motion to lay on the table.....	161
On motion to lay on the table.....	160
On adoption of Bunyan's resolution.....	171
On motion to lay on the table.....	171

AYES AND NOES—Continued.

On adoption of resolution by Sleeth.....	172
On laying motion on the table.....	176
On passage of Senate bill No. 293.....	177
On passage of Senate bill No. 36.....	178
On passage of Senate bill No. 24.....	202
On elections of President <i>pro-tempore</i>	204
On suspension of constitutional rule.....	204
On passage of House bill No. 301.....	205
On suspension of constitutional rule.....	205
On passage of House bill No. 302.....	206
On passage of Senate bill No. 14.....	207
On passage of Senate bill No. 122.....	208
On suspension of constitutional rule.....	209
On motion to lay on the table.....	210
On adoption of resolution (House Joint Resolution No. 11).....	210
On suspension of constitutional rule.....	211
On passage of Senate bill No. 229.....	212
On laying amendment on the table.....	213
On suspending constitutional rule.....	215
On passage of Senate bill No. 297.....	216
On laying amendment to House bill No. 27 on the table.....	218
On motion by Carnahan to indefinitely postpone.....	219
On motion to indefinitely postpone.....	220
On motion to lay on the table.....	220
On motion to lay on the table.....	221
On passage of House bill No. 27.....	221
On sustain a decision of chair.....	223
On motion to adjourn.....	223
On laying the report of the Committee on the Judiciary on the table.....	226
On passage of Senate Joint Resolution No. 6.....	236
On call of the Senate.....	247
On adoption of Senate Joint Resolution No. 7.....	259
On adoption of Senate Joint Resolution No. 8.....	270
On call of Senate.....	273
On call of Senate.....	274
On suspension of constitutional rule.....	291
On passage of Senate bill No. 262.....	291
On laying motion by Glessner on the table.....	296
On adoption of House Joint Resolution No. 12.....	297
On indefinitely postponing Senate bill No. 17.....	310
On motion by Orr.....	325
On motion to lay on the table.....	329
On motion to refer Dwiggins' resolution.....	334
On motion to refer resolution.....	335
On motion to lay on the table.....	338
On passage of Senate bill No. 32.....	339
On passage of Senate bill No. 6.....	
On passage of Senate bill No. 37.....	340
On recommitting Senate bill No. 211.....	341
On motion to lay on the table.....	341
On motion to lay on the table.....	342
On passage of Senate bill No. 60.....	342
On passage of Senate bill No. 75.....	343
On passage of Senate bill No. 76.....	344
On adoption of resolution by O'Brien.....	346
On adoption of Hough's amendment.....	347
On adoption of a concurrent resolution as amended.....	347
On call of Senate.....	348
On indefinitely postponing Senate bill No. 78.....	353
On laying amendment of Boon on the table.....	353
On laying minority report on Senate bill No. 170 on the table.....	357

AYES AND NOES—Continued.

On passage of Senate Joint Resolution No. 10.....	388
On adoption of Bunyan's amendment to Senate bill No. 170.....	389
On adoption of majority report on Senate bill No. 170.....	389
On laying Slater's amendment to Senate bill No. 170 on the table.....	390
On laying Dittemore's amendment to Senate bill No. 170 on the table	391
On suspension of order of business.. ..	393
On passage of Senate bill No. 4.....	393
On passage of House Joint Resolution No. 15.....	394
On adoption of resolution in relation to the President's Indian policy.....	399
On adoption of report of the Committee of the Whole.....	409
On passage of House Joint Resolution No. 18.....	410
On passage of House Bill No. 71	412
On passage of Senate Joint Resolution No. 8.....	413
On passage of Senate bill No. 100.....	415
On passage of Senate bill No. 69.....	415
On laying House bill No. 155 on the table.....	416
On passage of Senate bill No. 73.....	417
On laying report of Committee on Terre Haute Railroad on the table.....	426
On laying amendment by Steele to report of committee on the table.....	426
On concurring in report of Committee on Terre Haute Railroad.....	426
On passage of Senate bill No. 77.....	431
On passage of Senate bill No. 74	431
On passage of Senate bill No. 106.....	432
On passage of Senate bill No. 103.....	433
On seconding the demand for the previous question.....	434
On motion to lay the motion to reconsider, by Dittemore, on the table.....	434
On seconding the demand for the previous question.....	435
On adoption of the concurrent resolution in relation to President's Indian Policy.....	435
On passage of Senate bill No. 27.....	437
On passage of Senate bill No. 99	437
On passage of Senate bill No. 140.....	438
On passage of Senate bill No. 18.....	438
On passage of Senate bill No. 96.....	440
On passage of Senate bill No. 83.....	441
On laying report on Senate bill No. 250 and bill on the table.....	446
On indefinitely postponing House bill No. 8, with reports	448
On concurring in report of the committee on Senate bill No. 41.....	451
On laying the report of the committee on House bill No. 332 on the table.....	454
On call of Senate.....	455
On call of Senate.....	455
On suspension of constitutional rule.....	456
On passage of House bill No. 361.....	457
On laying Boone's resolution on the table	457
On indefinitely postponing Boone's resolution.....	458
On fixing a time to adjourn to.....	459
On a motion to adjourn	460
On call of Senate.....	460
On call of Senate.....	461
On call of Senate.....	462
On rejecting Senate bill No. 291.....	474
On suspension of constitutional rule.....	474
On passage of House bill No. 361.....	478
On laying Senate bill No. 61 on the table.....	481
On laying Dittemore's amendment to Senate bill No. 117 on the table	481
On laying Friedley's, of Lawrence, amendments to Senate bill No. 117 on the table.....	482
On recommitting the bill to the Committee on the Judiciary (Senate bill No. 117).....	483
On laying Dittemore's amendment on the table (l. Senate bill No. 117).....	483
On engrossment of Senate bill No. 117.....	484
On indefinitely postponing Senate bill No. 128.....	485
On laying motion on the table.....	488

AYES AND NOES—Continued.

On laying motion on the table.....	490
On concurring in the minority report of Committee on Senate bills Nos. 257 and 245	491
On motion to lay on table.....	494
On laying Bunyan's resolution on the table.....	495
On reconsidering the vote in passage of Senate bill No. 33.....	496
On indefinitely postponing Senate bill No. 190.....	497
On laying Senate bill No. 203 on table.....	498
On laying amendment by Dwiggins on the table.....	498
On laying engrossment of Senate bill No. 190.....	499
On the passage of Senate bill No. 64.....	502
On the passage of Senate bill No. 160.....	503
On the passage of Senate bill No. 162.....	504
On the passage of Senate bill No. 98.....	505
On the passage of Senate bill No. 116.....	506
On the passage of Senate bill No. 105.....	506
On the passage of Senate bill No. 94.....	507
On the passage of Senate bill No. 49.....	508
On motion to lay on the table.....	510
On the passage of Senate bill No. 127.....	510
On suspension of the order of business.....	512
On the passage of Senate bill No. 155.....	513
On the passage of Senate bill No. 13.....	514
On the passage of Senate bill No. 170.....	514
On laying motion on the table.....	516
On the passage of Senate bill No. 157.....	532
On laying amendment to House bill No. 56 on the table.....	531
On motion to grant leave of absence to Committee on Prisons.....	534
On motion to reconsider the vote.....	535
On motion to laying the motion on the table.....	535
On motion to laying the motion on the table.....	536
On Carnahan's motion.....	538
On suspension of constitutional rule.....	538
On the passage of Senate bill No. 198.....	539
On suspension of Constitutional rule.....	540
On concurring in report of Committee on Senate bill No. 241.....	563
On the passage of House bill No. 56.....	569
On the passage of Senate bill No. 163.....	570
On laying motion to indefinitely postpone Senate bill No. 234 on the table.....	572
On motion to lay Senate bill No. 234 on the table (with report).....	573
On motion by Glessner to lay amendment to Senate bill No. 234 on the table.....	574
On passage of House bill No. 23	586
On passage of House bill No. 200.....	586
On passage of House bill No. 188.....	587
On motion to indefinitely postpone House bill No. 7.....	588
On passage of House bill No. 118.....	589
On motion to lay on table.....	590
On indefinitely postponing House Bill No. 218.....	590
On laying motion on the table.....	591
On laying House bill No. 137 on the table.....	591
On indefinitely postponing House bill No. 137.....	592
On passage of House bill No. 137.....	592
On laying the motion to refer House bill No. 327 on the table.....	600
On concurring in report of Committee on House bill No. 327.....	601
On laying an amendment to House bill No. 327 on the table.....	605
On laying an amendment to House bill No. 327 on the table.....	606
On laying an amendment to House bill No. 327 on the table.....	607
On laying an amendment to House bill No. 327 on the table.....	608
On motion by Hall.....	608
On motion to lay amendment to Senate bill No. 294 on the table.....	611
On motion to lay Wadge's resolution on the table.....	612

AYES AND NOES—Continued.

On motion to take up House bill No. 327.....	614
On seconding the demand for the previous question.....	615
On motion to recommit House bill No. 327.....	616
On the passage of House bill No. 327 (temperance act).....	616
On motion to reconsider the vote on passage of House bill No. 327 and lay on the table..	617
On suspension of constitutional rule on passage of Senate bill No. 294.....	619
On suspension of constitutional rule on passage of Senate bill No. 238.....	621
On laying Williams' amendment to Senate bill No. 238 on the table.....	622
On passage of House bill No. 501.....	624
On motion to postpone resolution in relation to members receiving bribes for voting against House bill No. 327.....	625
On laying motion by Steele on the table.....	626
On laying report and Senate bill No. 281 on the table.....	627
On call of the Senate.....	647
On motion to lay on the table.....	647
On passage of Senate bill No. 238.....	648
On suspension of constitutional rule.....	657
On passage of Senate bill No. 266.....	657
On suspension of constitutional rule.....	659
On passage of Senate bill No. 254.....	659
On motion to take up Senate bill No. 9.....	661
On motion to lay on the table.....	662
On suspension of constitutional rule on Senate bill No. 310.....	663
On passage of Senate bill No. 310.....	663
On call of the Senate.....	665
On dispensing with a call of the Senate.....	665
On laying Winterbotham's resolution on the table.....	666
On passage of Senate bill No. 327.....	667
On passage of Senate bill No. 176.....	667
On passage of Senate bill No. 61.....	668
On motion by Steele, to lay on the table another motion.....	669
On passage of Senate bill No. 90.....	669
On motion to lay on the table.....	670
On the passage of Senate bill No. 117.....	670
On the passage of Senate bill No. 189.....	671
On laying motion by Dwiggins on the table.....	672
On the passage of Senate bill No. 148.....	673
On the passage of Senate bill No. 174.....	673
On the passage of Senate bill No. 185.....	674
On the passage of Senate bill No. 192.....	675
On the passage of Senate bill No. 195.....	676
On the passage of Senate bill No. 202.....	677
On the passage of Senate bill No. 219.....	678
On the passage of Senate bill No. 222.....	679
On the passage of Senate bill No. 35.....	680
On the passage of Senate bill No. 143.....	681
On the passage of Senate bill No. 156.....	681
On a motion by Williams to lay on the table.....	685
On adoption of an amendment to Senate bill No. 292.....	686
On laying a motion by Howard on the table.....	686
On laying a motion by Daugherty on the table.....	689
On laying a motion by Dwiggins on the table.....	700
On laying an amendment by Brown to Senate bill No. 292 on the table.....	703
On the adoption of amendment by Brown to Senate bill No. 292.....	703
On a motion to lay on the table.....	705
On laying a motion by Dwiggins on the table.....	708
On the passage of Senate bill No. 224.....	711
On a motion to lay on the table.....	712
On laying minority report of committee on Senate bill No. 229 on the table.....	714
On laying Sleeth's amendment to Senate bill No. 292 on the table.....	715

AYES AND NOES—Continued.

On laying Hough's amendment to Senate bill No. 292 on the table.....	716
On laying Taylor's amendment to Senate bill No. 292 on the table.....	717
On motion to reject Senate bill 337, introduced by Orr.....	719
On laying Slater's amendment to Senate bill No 292 on the table.....	721
On the adoption of an amendment by Dwiggins to Senate bill No. 292.....	724
On motion to lay an amendment by Hall to Senate bill No. 292 on the table.....	727
On the adoption of Hall's amendment to Senate bill No. 292.....	727
On motion to lay an amendment by Rosebrugh on the table to Senate bill No. 292.....	728
On the adoption of a concurrent resolution in relation to a New State House.....	731
On suspension of the Constitutional rule on Senate bill No. 278.....	732
On the passage of Senate bill No. 278.....	732
On suspension of the Constitutional rule on House bill No. 417.....	733
On the passage of Senate bill No. 417.....	734
On suspension of the Constitutional rule on Senate bill No. 264.....	734
On the passage of Senate bill No. 264.....	735
On the passage of Senate Joint Resolution No. 12.....	736
On the passage of Senate Joint Resolution No. 13.....	737
On passage of Senate bill No. 203.....	740
On passage of Senate bill No. 169.....	740
On passage of Senate bill No. 188.....	741
On passage of Senate bill No. 173.....	742
On passage of Senate bill No. 187.....	742
On passage of Senate bill No. 193.....	743
On passage of Senate bill No. 204.....	744
On passage of Senate bill No. 213.....	744
On motion to lay Dittimore's motion on the table.....	745
On adoption of motion by Dittimore, to take up House bill No. 8.....	745
On passage of Senate bill No. 218.....	746
On passage of Senate bill No. 217.....	746
On passage of Senate bill No. 223.....	747
On passage of Senate bill No. 289.....	747
On passage of House bill No. 258.....	748
On motion by Slater to lay substitute for Senate bill No. 245 on the table.....	752
On laying motion by Dwiggins on the table.....	753
On motion to recommit Senate bill No. 245 to committee.....	754
On passage of Senate bill No. 245.....	755
On taking up message from House, containing amendments to Senate bill No. 238.....	761
On concurring in amendments of House to Senate bill No. 238.....	762
On motion to lay Senate Joint Resolution No. 14 on the table.....	763
On laying an amendment by Sleeth, to Senate bill No. 294.....	774
On concurring in the report of the committee on Senate bill No. 294.....	775
On passage of Senate bill No. 294.....	775
On motion to lay report of committee on Senate bill No. 288 on the table.....	782
On adoption of an amendment to House bill No. 87, by Cave.....	785
On passage of Senate Joint Resolution No. 15.....	788
On motion to lay Senate bill No. 330 on the table.....	790
On suspension of the constitutional rule, on House bill No. 382.....	790
On passage of House bill No. 382.....	791
On suspension of the constitutional rule, on House bill No. 360.....	791
On passage of House bill No. 360.....	792
On suspension of the constitutional rule, on House bill No. 410.....	792
On suspension of the constitutional rule, on House bill No. 493.....	793
On passage of House bill No. 493.....	793
On passage of Senate bill No. 292.....	794
On motion to reconsider the vote adopting an amendment to House bill No. 36.....	812
On motion to read House bill No. 36 a third time.....	813
On passage of House bill No. 36.....	814
On Rosebrugh's amendment to House bill No. 55.....	817

AYES AND NOES—Continued.

On passage of House bill No. 55.....	818
On passage of House bill No. 410	819
On passage of House bill No. 87.....	820
On concurring in the majority report of the Committee on Senate bill No. 290.....	822
On suspension of constitutional rule.....	822
On passage of Senate bill No. 290.....	823
On passage of Senate bill No. 273.....	824
On concurring in a report of Committee on Claim, of O. M. Wilson.....	843
On passage of House bill No. 8.....	848
On passage of Senate bill No. 34	849
On passage of House bill No. 138.....	850
On suspension of constitutional rule on Senate bill No. 318.....	853
On passage of Senate bill No. 318.....	853
On passage of Senate Joint Resolution No. 16	854
On suspension of constitutional rule on Senate bill No. 300.....	855
On passage of Senate bill No. 300.....	855
On passage of Senate Joint Resolution No. 11.....	858
On passage of Senate bill No. 250	858
On passage of Senate bill No. 273.....	860
On concurring in amendments of House to Senate bill No. 88.....	861
On reconsidering the vote concurring in the first amendment to Senate bill No. 88.....	862
On suspension of constitutional rule on House bill No. 355	862
On passage of House bill No. 355.....	863
On suspension of constitutional rule on Senate bill No. 305.....	864
On passage of Senate bill No. 305	864
On suspension of constitutional rule on Senate bill No. 206	865
On passage of Senate bill No. 206.....	865
On passage of Senate bill No. 231.....	866
On suspension of constitutional rule on House bill No. 489.....	867
On passage of House bill No. 489.....	868
On passage of Senate bill No. 126.....	868
On passage of Senate Joint Resolution.....	878
On passage of House bill No. 516.....	880
On suspension of constitutional rule on Senate bill No. 333	881
On passage of Senate bill No. 333.....	882
On indefinitely postponing Senate bill No. 256.....	883
On suspension of constitutional rule on House bill No. 144.....	886
On passage of House bill No. 144.	887
On suspension of constitutional rule on Senate bill No. 342.....	887
On passage of Senate bill No. 342.....	888
On laying an amendment by Steele to Senate bill No. 293 on the table.....	890
On laying an amendment by Smith to Senate bill No. 293 on the table.....	891
On adoption of amendment by Daggy to Senate bill No. 293.....	892
On laying an amendment by Dittemore to Senate bill No. 293 on the table	892
On laying an amendment by Brown to Senate bill No. 293 on the table.....	893
On suspension of constitutional rule on Senate bill No. 293.....	894
On passage of Senate bill No. 293.....	895
On passage of Senate bill No. 120.....	897
On suspension of constitutional rule on House bill No. 539.....	899
On passage of House bill No. 539.....	899
On suspension of constitutional rule on Senate bill No. 325	901
On passage of Senate bill No. 325.....	902
On suspension of constitutional rule on Senate bill No. 244.....	902
On passage of Senate bill No. 244.....	903
On passage of Senate bill No. 27.....	904
On laying Senate bill No. 232 on the table.....	904
On taking up Senate bill No. 302.....	906
On the suspension of constitutional rule on Senate bill No. 302.....	907
On passage of Senate bill No. 302.....	907
On passage of Senate bill No. 239.....	909

AYES AND NOES—Continued.

On suspension of constitutional rule on House bill No. 456.....	911
On passage of House bill No. 456.....	911
On passage of House bill No. 189.....	912
On suspension of constitutional rule on House bill No. 534.....	913
On passage of House bill No. 534.....	913
On suspension of constitutional rule on House bill No. 144.....	914
On passage of House bill No. 444.....	915
On suspension of constitutional rule on House bill No. 303.....	915
On laying an amendment by Friedley, of Lawrence, on the table.....	916
On passage of House bill No. 303.....	917
On suspension of constitutional rule on House bill No. 411.....	918
On passage of House bill No. 411.....	919
On suspension of constitutional rule on House bill No. 504.....	923
On passage of House bill No. 504.....	925
On suspension of constitutional rule on House bill No. 528.....	925
On passage of House bill No. 528.....	926
On passage of Senate bill No. 229.....	927
On suspension of constitutional rule on Senate bill No. 263.....	930
On passage of Senate bill No. 263.....	931
On suspension of constitutional rule on House bill No. 503.....	933
On passage of House bill No. 503.....	933
On suspension of constitutional rule on House bill No. 256.....	934
On passage of House bill No. 256.....	934
On suspension of constitutional rule on House bill No. 476.....	935
On passage of House bill No. 476.....	936
On laying an amendment by Chapman on the table.....	933
On laying an amendment by Friedley, of Lawrence, on the table.....	940
On suspension of constitutional rule on Senate bill No. 344.....	941
On passage of Senate bill No. 344.....	942
On suspension of constitutional rule on House bill No. 339.....	943
On passage of House bill No. 339.....	943
On suspension of constitutional rule on Senate bill No. 343.....	944
On passage of Senate bill No. 343.....	944
On suspension of constitutional rule on Senate bill No. 345.....	946
On passage of Senate bill No. 345.....	949
On suspension of constitutional rule on Senate bill No. 346.....	946
On passage of Senate bill No. 346.....	948
On suspension of constitutional rule on Senate bill No. 347.....	948
On passage of Senate bill No. 347.....	949
On suspension of constitutional rule on Senate bill No. 336.....	949
On passage of Senate bill No. 336.....	950
On the passage of House bill No. 189.....	951
On the passage of Senate bill No. 267.....	951
On the suspension of constitutional rule on House bill No. 26.....	953
On indefinitely postponing House bill No. 26.....	953
On the suspension of the constitutional rule on House bill No. 446.....	954
On referring House bill No. 446 to committee.....	955
On reconsidering the vote on House bill No. 530.....	957
On motion of Chapman.....	958
On passage of House bill No. 530.....	958
On laying a report on the table.....	970
On suspension of the constitutional rule on House bill No. 434.....	972
On the passage of House bill No. 434.....	972
On the suspension of constitutional rule on House bill No. 224.....	974
On passage of House bill No. 224.....	974
On the suspension of the constitutional rule on House bill No. 195.....	976
On passage of House bill No. 195.....	976
On amendment by Slater to Senate bill No. 289.....	983
On amendment by Sleeth to Senate bill No. 289.....	984
On a motion by Friedley of Lawrence.....	984

AYES AND NOES—Continued.

On a motion by Dittmore.....	989
On a motion by Orr.....	991
On Slater's amendment to Senate bill No. 289.....	992
On Williams' amendment to Senate bill No. 289.....	993
On motion by Wadge to take up Senate Joint Resolution No. 20.....	994
On the passage of Senate bill No. 267.....	996
On the suspension of constitutional rule on House bill No. 436.....	997
On the passage of House bill No. 436.....	998
On the passage of House bill No. 531.....	1000
On motion by Bird on House bill No. 535.....	1007
On Daugherty's amendment to House bill No. 535.....	1008
On motion by Slater to strike out section ten of House bill No. 535.....	1009
On motion by Friedley of Lawrence.....	1014
On motion by Steele.....	1016
On motion by Daugherty.....	1016
On the passage of House bill No. 535.....	1018
On motion by Friedley of Lawrence.....	1019
On the suspension of the constitutional rule on House bill No. 532.....	1020
On the passage of House bill No. 532.....	1020
On the passage of House bill No. 377.....	1021
On the passage of House bill No. 485.....	1025
On the passage of House bill No. 241.....	1026
On the passage of House bill No. 453.....	1027
On the passage of House bill No. 225.....	1033
On motion by Rosebrugh.....	1034
On the passage of Senate bill No. 26.....	1035
On suspension of the constitutional rule on House bill No. 354.....	1036
On passage of House bill No. 354.....	1036
On suspension of the constitutional rule on House bill No. 316.....	1037
On passage of House bill No. 316.....	1038
On suspension of the constitutional rule on House bill No. 540.....	1040
On passage of House bill No. 74.....	1040
On motion by Hall.....	1041
On suspension of the constitutional rule on House bill No. 541.....	1043
On passage of House bill No. 541.....	1043
On passage of House bill No. 39.....	1044
On passage of Senate Joint Resolution No. 22.....	1045
On passage of House bill No. 59.....	1046
On suspension of the constitutional rule on House bill No. 380.....	1046
On passage of House bill No. 380.....	1046
On passage of House bill No. 332.....	1048
On passage of House bill No. 430.....	1048
On suspension of the constitutional rule on House bill No. 447.....	1049
On passage of House bill No. 447.....	1049
On passage of House bill No. 208.....	1050
On passage of House Joint Resolution No. 19.....	1051
On suspension of the constitutional rule on House bill No. 524.....	1052
On passage of House bill No. 524.....	1053
On motion by Chapman.....	1057
On adoption of amendment by Williams to Senate Joint Resolution No. 21.....	1074
On adoption of amendment by committee to Senate Joint Resolution No. 21.....	1075
On adoption of second section of House Joint Resolution No. 22.....	1078
On adoption of third section of House Joint Resolution No. 22.....	1079
On adoption of fourth section of House Joint Resolution No. 22.....	1079
On adoption of fifth section of House Joint Resolution No. 22.....	1080
On adoption of an amendment to House Joint Resolution No. 22.....	1080
On passage of House Joint Resolution No. 22.....	1081
On motion by Smith.....	1085
On Gooding's amendment to House Joint Resolution No. 23.....	1086

AYES AND NOES—Continued.

On motion by Harney.....	1087
On motion by Gregg.....	1088
On motion by Daggy.....	1088
On adoption of resolution by Dittemore.....	1089
On motion by Dittemore.....	1090

ARMSTRONG, ADDISON F.—

Appeared and took his seat.....	4
Motions made by.....	12, 408, 730, 867
Committees appointed on (Standing).....	83, 85, 86
Committees appointed on (Select).....	454
Bills introduced by.....	71, 104
Reports made by.....	280, 486, 524 783, 839
Petitions presented by.....	563

ANDERSON, ARCHIBALD—

Nominated doorkeeper of the Senate.....	10
Elected doorkeeper of the Senate.....	11
Sworn as an officer of the Senate.....	11

ATHON, JAMES S.—

Nominated for President of Board of Benevolent Institutions.....	28
Voted for President of Board of Benevolent Institutions.....	28

B**BAKER, CONARD, GOVERNOR—**

Delivered his biennial message.....	18
Message in relation to appointment of Trustees of State Normal School.....	43
Message in relation to appointment of Commissioner of House of Refuge.....	44
Message in relation to claim of W. H. H. Terrall.....	49
Message in relation to report of Prison Directors.....	51

BEARDSLEY, JAMES R.—

Appeared and took his seat.....	7
Committees appointed on (Standing).....	83, 84, 189
Committees appointed on (Select).....	631, 1026
Motions made by.....	108, 179, 213, 632, 794, 852, 903, 1072
Joint Resolutions introduced by.....	146
Bills introduced by.....	146, 174, 239, 241, 598
Petitions presented by.....	167, 515
Reports made by.....	470, 631, 708, 1070
Resolutions offered by.....	839

BEGGS, JOHN—

Appeared and took his seat.....	3
Committees appointed on (Standing).....	45, 83, 85
Committees appointed on (Select).....	60
Bills introduced by.....	60

BEESON, OTHNIEL—

Appeared and took his seat.....	67
Committees appointed on (Standing).....	84, 85
Committees appointed on (Select).....	121, 310, 454
Bills introduced by.....	195, 201, 597, 948
Motions made by.....	107, 123, 167, 217, 497, 516, 523, 596, 614, 863, 1086
Petitions presented by.....	167, 318, 251, 445, 464, 563, 594
Reports made by.....	286, 327, 328, 330, 454, 565, 595, 844, 876, 898, 969

BROWN, R. T.—

Nominated for Director of State Prison South	34
Voted for Director of State Prison South	34

BIRD, OCHMIG—

Appeared and took his seat.....	3
Committees appointed on (Standing).....	83, 84, 85, 189
Committees appointed on (Select).....	121, 454, 631, 797
Motions made by.....	98, 115, 152, 212, 304, 402, 448, 585, 631, 857, 874, 930, 1007, 1033
Bills introduced by.....	291
Joint Resolutions introduced by.....	58 ⁵
Reports made by.....	696
Resolutions offered by.....	1089

BOONE, ANDREW J.—

Appeared and took his seat.....	5
Committees appointed on (Standing).....	83, 85
Committees appointed on (Select).....	147, 201, 317
Motions made by.....	77, 220, 380, 382, 528, 607, 614, 1033
Resolutions offered by.....	90, 145, 457
Bills introduced by.....	125, 528, 559, 561, 653
Petitions presented by.....	144, 224, 616
Reports made by.....	225, 232, 275, 278, 279, 280, 321, 404, 415, 447, 449, 523 551, 552, 555, 564, 595, 697, 777, 837, 838, 1031, 1064
Joint Resolutions introduced by.....	836

BOWMAN, JOHN A.—

Appeared and took his seat.....	4
Committees appointed on (Standing).....	83, 85
Committees appointed on (Select).....	
Reports made by.....	144, 450
Motions made by.....	343
Petitions presented by.....	442, 463

BROWN, JASON B—

Appeared and took his seat.....	
Bills introduced by.....	240, 511, 525, 711
Reports made by.....	82, 95, 110, 112, 165, 214, 409, 418, 553, 587, 630, 697, 766, 778, 780, 860
Nominations made by.....	203
Resolutions offered by.....	11, 64, 165, 1043
Committees appointed on, (Standing).....	83, 84, 189, 317
Committees appointed on, (Select).....	80, 94, 108, 112, 454, 857, 918
Motions made by.....	15, 46, 47, 48, 63, 65, 66, 72, 73, 80, 81, 86, 94, 100, 107 108, 111, 112, 151, 152, 153, 155, 157, 160, 161, 165 174, 201, 203, 205, 207, 209, 215, 220, 221, 232, 234 237, 301, 304, 388, 390, 400, 407, 425, 426, 433, 434 436, 450, 454, 455, 456, 457, 458, 459, 462, 487, 509 516, 532, 534, 534, 536, 544, 575, 580, 591, 601, 606 607, 609, 612, 617, 661, 662, 666, 674, 685, 700, 701 702, 703, 704, 705, 706, 712, 731, 735, 737, 750, 753 761, 762, 763, 790, 792, 795, 812, 813, 851, 880, 889 892, 893, 898, 899, 909, 910, 917, 928, 933, 935, 936 839, 946, 948, 949, 954, 955, 970, 973, 977, 1007 1011, 1014, 1018, 1020, 1029, 1030, 1069
Petitions presented by.....	605, 618

BUNYAN WILLIAM—

Appeared and took his seat.....	8
Committees appointed on (Standing).....	83, 84, 85, 86
Committees appointed on (Select).....	147, 348, 631

BUNYAN, WILLIAM—Continued.

Motions made by.....	81, 190, 201, 352, 387, 495, 588, 620, 699, 795, 849, 871, 881, 998, 1046
Petitions presented by.....	86, 88, 122
Resolutions offered by.....	170, 477
Reports made by.....	234, 453, 833
Bills introduced by.....	355

BEARD JOHN—

Nominated for Trustee of Blind Asylum.....	29
Voted for as Trustee of Blind Asylum.....	29
Declared elected.....	30

BROWN JESSE B—

Nominated for Trustee of Deaf and Dumb Asylum..	30
Voted for.....	30
Declared elected.....	31

C**CARNAHAN, MAGNUS T.—**

Appeared and took his seat.....	4
Committees appointed on (Standing).....	83, 84, 85
Committees appointed on (Select).....	851
Bills introduced by.....	91, 353, 385, 598, 946
Motions made by.....	201, 219, 222, 246, 274, 336, 437, 441, 448, 489, 527, 538, 657, 742 869, 911, 1049
Reports made by.....	328, 329, 467, 633, 840, 841

CAVE, LEROY—

Appeared and took his seat.....	27
Committees appointed on (Standing).....	83, 85
Committees appointed on (Select).....	348, 797
Bills introduced by.....	52, 248, 364
Nominations made by.....	203
Motions made by.....	307, 364, 531, 622, 678, 701, 702, 704, 706, 716, 720, 785, 954, 993
Petitions presented by.....	515, 544
Resolutions offered by.....	825, 950

CONNELLY, WM. A.—

Nominated as Director of State Prison North.....	38
Voted for Director of State Prison North.....	39

CHAPMAN, CHARLES W.—

Appeared and took his seat.....	43
Committees appointed on (Standing).....	82, 83, 84, 85, 189
Committees appointed on (Select).....	94, 454, 763, 1026
Reports made by.....	834, 847, 877, 1041
Joint Resolutions offered by.....	1044
Motions made by.....	222, 339, 345, 354, 416, 442, 453, 460, 482, 851, 852, 861, 862 886, 912, 938, 939, 947, 957, 958, 970, 1019, 1026, 1029, 1057, 1090

COLLETT, JOHN—

Appeared and took his seat.....	8
Committees appointed on (Standing).....	82, 83, 84, 85, 86, 189
Committees appointed on (Select).....	14
Bills introduced by.....	92, 250, 364, 511
Motions made by.....	93, 299, 306, 534, 663, 739, 851, 910
Petitions presented by.....	218, 442, 502

COLLETT, JOHN—continued.

Resolutions offered by.....	333, 473
Reports made by.....	141, 142, 151, 162, 190, 206, 224, 272, 288, 294, 297, 310, 345, 351
	376, 391, 392, 408, 411, 417, 418, 435, 452, 477, 486, 488, 489, 506
	506, 511, 532, 537, 557, 563, 571, 600, 604, 626, 628, 629, 642, 649
	658, 659, 669, 677, 765, 786, 801, 819, 821, 846, 859, 860, 879, 894
	925, 927, 928, 945, 952, 969, 973, 975, 977, 979, 986, 996, 999
	1011, 1028, 1034, 1035, 1047, 1048, 1057
	1059, 1060, 1071, 1073, 1092, 1093

CHITTENDEN, GEO. F.—

Nominated for Trustee of Insane Asylum.....	31
Voted for, for Trustee of Insane Asylum.....	37
Declared elected Trustee of Insane Asylum.....	32

CAPRON, A. D.—

Nominated for Director of State Prison North.....	40
Voted for Director of State Prison North.....	40
Declared elected Director of State Prison North.....	41

CULVER, P. P.—

Nominated as Assistant Secretary of the Senate.....	10
Elected Assistant Secretary of the Senate.....	10
Sworn as an officer of the Senate.....	11

CAUTHORN, ———, OF THE HOUSE—

In Joint Convention, offered resolutions.....	25
Motions made by, in Joint Convention.....	53

D**DENBO, GEORGE H.—**

Nominated as Secretary of the Senate.....	9
Voted for Secretary of the Senate.....	9

DeSANNO, JAMES—

Nominated for State Librarian.....	34
Voted for State Librarian.....	34

DOWNEY, A. C., JUDGE SUPREME COURT—

Administered oaths.....	67
-------------------------	----

DOWNEY, SAMUEL R.—

Appointed Private Secretary to the Governor.....	70
--	----

DAGGY, ADDISON—

Appeared and took his seat	4
Motions made by.....	14, 21, 50, 78, 86, 120, 226, 338, 348, 352, 416, 436
	459, 464, 485, 528, 531, 545, 589, 601, 613, 642, 682
	684, 724, 729, 740, 891, 942, 943, 993, 1017, 1029
	1043, 1070, 1081, 1082
Committees appointed on (Standing).....	83, 84, 86, 454
Committees appointed on (Select).....	75
Bills introduced by	59, 90, 147, 248, 478
Resolutions offered by	75
Reports made by	88, 162, 163, 164, 226, 228, 230
	233, 247, 319, 321, 322, 323, 326
	448, 550, 552, 558, 598, 632, 634
	835, 846, 848, 874, 952, 1071
Joint resolutions introduced by	226
Petitions presented by.....	445, 464

DAUGHERTY, HUGH—

Appeared and took his seat	4
Committees appointed on (Standing).....	83, 85
Committees appointed on (Select).....	19, 104, 310, 851
Bills introduced by	104, 597
Motions made by.....	61, 100, 143, 222, 291, 337, 342, 355, 599, 666, 684, 694, 699 701, 717, 721, 774, 795, 867, 905, 990, 1008, 1016, 1017, 1070
Resolutions offered by.....	102, 1086
Reports made by.....	105, 336, 447, 782, 1060
Bills introduced by.....	291
Petitions presented by.....	515, 795

DITTMORE, WILEY E.—

Appeared and took his seat.....	3
Committees appointed on (Standing).....	82, 83, 84, 85
Committees appointed on (Select).....	16, 100, 454, 626
Motions made by.....	16, 17, 19, 50, 51, 59, 62, 63, 78, 79, 99, 106, 123, 124, 143, 149, 152, 159, 160, 161 179, 247, 250, 251, 270, 273, 284, 296, 302, 310, 317, 331, 332, 334, 337, 350, 350 352, 353, 381, 382, 391, 400, 407, 414, 427, 430, 439, 442, 455, 459, 461, 462, 472 480, 481, 483, 491, 493, 494, 496, 501, 510, 527, 538, 551, 600, 618, 625, 647 648 651, 660, 665, 672, 684, 685, 700, 702, 708, 711, 712, 716, 727, 745, 748, 806, 812 822, 824, 825, 867, 881, 889, 890, 892, 893, 906, 971, 989, 991, 992, 993, 1014 1017, 1018, 1059, 1063, 1074, 1085, 1086, 1090
Resolutions offered by.....	27, 145, 247, 349, 366, 664, 764, 1038, 1067, 1089, 1090
Reports made by.....	318, 404, 471, 550, 938

DWIGGINS, ROBERT S.—

Appeared and took his seat.....	4
Motions made by.....	13, 16, 25, 43, 44, 45, 62, 64, 70, 72, 92, 98, 99, 104, 118, 139, 158, 166, 179 202, 235, 240, 273, 307, 309, 335, 342, 344, 345, 384, 438, 435, 474, 482, 484 493, 494, 497, 499, 504, 508, 509, 513, 516, 520, 540, 544, 545, 551, 570, 571 591, 606, 608, 611, 616, 617, 623, 649, 654, 665, 666, 672, 683, 687 704, 707 714, 715, 720, 722, 724, 725, 726, 728, 730, 750, 753, 761, 787, 811, 816, 817 818, 828, 849, 881, 883, 894, 887, 904, 906, 907, 909, 973, 978, 990
Resolutions offered by.....	14, 15, 16, 18, 89, 123, 145, 201, 334, 427, 998
Bills introduced by.....	15, 50, 475, 478, 479, 561
Committees, appointed on (Standing).....	83, 85
Committees, appointed on (Select).....	19, 80, 94, 102, 104, 631, 978
Reports made by.....	20, 101, 237, 238, 287, 407, 408, 452, 548, 549 558, 559, 560, 598, 627, 629, 780, 1026
Petitions presented by.....	102, 697

F**FRANCISCO HIRAM—**

Appeared and took his seat.....	5
Committees appointed on (Standing).....	83, 84, 85
Committees appointed on (Select).....	
Motion made by.....	788

FRIEDLEY, GEORGE W.—

Appeared and took his seat.....	4
Nominated for President of Senate.....	8
Elected President of Senate.....	9
Motions made by.....	14, 94, 95, 120, 143, 200, 345, 341, 368, 380, 392, 456, 459 462, 480, 482, 488, 591, 600, 601, 620, 621, 822, 842, 850 901, 916, 939, 944, 984, 991, 1014, 1019, 1025, 1080, 1051
Communications laid before Senate.....	50
Committees appointed on (Standing).....	84, 87, 189
Committees appointed on (Select).....	121

FRIEDLEY, GEORGE W.—Continued.

Resolutions offered by.....	123, 144, 367, 539, 977, 1041, 1070
Bills introduced by.....	147
Joint Resolutions introduced by.....	177, 878
Petitions presented by.....	463, 516, 545, 563, 564
Reports made by.....	970

FRIEDLEY, JONATHAN H.—

Appeared and took his seat.....	4
Committees appointed on (Standing).....	45, 83, 84, 85
Committees appointed on (Select).....	83
Bills introduced by.....	90, 104, 748
Resolutions offered by.....	123, 618, 1099
Motions made by.....	862, 865

FULLER, BENONI S.—

Appeared and took his seat.....	4
Nominated President of the Senate.....	8
Voted for as President of Senate.....	9
Committees appointed on (Standing).....	82, 83, 84, 85
Committees appointed on (Select).....	47, 94, 797, 1026
Motions made by.....	64, 66, 120, 153, 157, 216, 217, 306, 337, 379, 387 412, 446, 455, 459, 486, 498, 501, 525, 573, 574, 606, 619 622, 650, 655, 679, 787, 851, 854, 870, 1064, 1066, 1067
Bills introduced by.....	90, 104, 124, 248, 290
Reports made by.....	168, 281, 385, 386, 387, 887, 450, 451, 834, 836
Motions made by.....	244, 274, 572
Petitions presented by.....	764, 1064
Joint Resolution introduced by.....	788

G**GREGG, RICHARD—**

Appeared and took his seat.....	4
Committees appointed on (Standing).....	83, 84
Committees appointed on (Select).....	66, 454, 917
Motions made by.....	17, 80, 140, 274, 347, 460, 527, 547, 588, 606, 662, 812, 854, 910 1074, 1078, 1087
Bills introduced by.....	18, 172, 280, 364
Resolutions offered by.....	74, 1065
Petitions presented by.....	86, 224
Reports made by.....	226, 231, 233, 322, 324, 452, 522, 554, 555, 642, 710, 836, 979
Joint resolutions introduced by.....	812

GLESSNER, OLIVER J.—

Appeared and took his seat.....	4
Resolutions offered by.....	11, 14, 64, 77, 172
Committees appointed on (Standing).....	83, 84, 85
Committees appointed on (Select).....	15, 16, 80, 108, 112, 200, 454
Motions made by.....	4, 15, 20, 73, 79, 110, 121, 159, 166, 168, 204, 209, 294, 296, 302, 304 311, 369, 381, 387, 486, 498, 525, 574, 584, 610, 619 626, 702, 703, 704, 706, 707, 717, 718, 722, 723, 763 783, 912, 913, 918, 933, 934, 935, 953, 963, 1014
Bills introduced by.....	239, 241, 290, 825
Petitions presented by.....	70, 101, 158, 516, 585
Reports made by.....	204, 229, 307, 354, 405, 406, 429, 576, 847, 874, 889

GOODING, H. OLAY—

Appeared and took his seat.....	4
Committees appointed on (Standing).....	45, 83, 85
Committees appointed on (Select).....	15, 19, 121, 454

GOODING, H. CLAY—Continued.

Motions made by.....	15, 26, 50, 59, 60, 107, 158, 159, 219, 221, 389, 523, 554, 585, 620 621, 624, 626, 641, 676, 681, 734, 762, 858, 866 893, 894, 904, 940, 952, 1028, 1052, 1077, 1085
Resolutions offered by.....	77, 832, 1067, 1086, 1000
Reports made by.....	163, 164, 170, 224, 243, 318, 321, 325, 332 429, 556, 641, 710, 837, 838, 845, 1011
Bills introduced by.....	236, 292, 363, 475, 719
Petitions presented by.....	464, 529

II**HALL, ABEL W.—**

Appeared and took his seat.....	5
Committees, appointed on (Standing).....	83, 84, 85, 86
Committees, appointed on (Select).....	310, 763
Bills introduced by.....	248, 479, 654
Resolutions offered by.....	89, 524, 708, 878, 1072
Petitions presented by.....	463, 533
Reports made by.....	163, 161, 257, 259, 317, 331, 338, 349, 351, 366, 383, 401, 408, 526, 563 566, 593, 602, 675, 713, 714, 749, 750, 755, 779, 786, 812, 815, 856, 879 882, 889, 898, 903, 905, 955, 956, 959, 978, 998, 1011, 1019, 1025, 1034 1038, 1040, 1041, 1046, 1053, 1059, 1073
Motions made by.....	13, 119, 131, 143, 189, 209, 213, 223, 310, 332, 350, 411, 478, 481 483, 485, 487, 488, 495, 526, 539, 600, 608, 615, 654, 659, 670, 688 702, 707, 724, 726, 734, 745, 905, 917, 969, 1035

HARNEY, JAMES F.—

Appear and took his seat.....	4
Committees, appointed on (Standing).....	83, 84, 85, 86
Bills introduced by.....	52, 77, 240, 476
Reports made by.....	270, 356, 521, 557, 836, 971
Motions made by.....	81, 121, 161, 178, 201, 247, 293, 395, 526 567, 812, 855, 856, 1030, 1070, 1087

HANNAMAN, WILLIAM T.—

Nominated for Trustee of Soldiers' Home.....	41
Voted for for Trustee of Soldiers' Home.....	42
Declared elected Trustee of Soldiers' Home.....	42

HAWORTH, RICHARD M.—

Appeared and took his seat.....	7
Resolutions offered by.....	12, 695, 1047
Committees appointed on (Standing).....	83, 84, 85, 86
Committees appointed on (Select).....	13, 14
Reports made by.....	16, 125
Petitions presented by.....	87, 251, 275, 318, 464, 501
Bills introduced by.....	90
Motions made by.....	317, 345

HOUGH, WILLIAM R.—

Appeared and took his seat.....	43
Committees appointed on (Standing).....	83, 84, 85, 86
Committees appointed on (Select).....	108, 112, 201, 319, 973, 1074
Motions made by.....	139, 273, 306, 334, 342, 344, 346, 425, 494, 510, 511, 531 535, 606, 620, 662, 666, 685, 703, 715, 716, 725, 727, 739 820, 825, 846, 848, 865, 868, 888, 917, 969, 997, 1033
Bills Introduced by.....	175, 475, 476
Reports made by.....	261, 262, 264, 269, 326, 387, 465, 466, 547, 548 566, 567, 655, 719, 781, 784, 978, 979, 982, 1042
Petitions presented by.....	562, 650

HOWARD W. IRVING—

Appeared and took his seat.....	7
Committees appointed on (Standing).....	82, 84, 85
Committees appointed on (Select).	
Bills introduced by.....	72
Reports made by.....	238, 262, 263, 332, 845, 846, 847, 1051
Petitions presented by.....	594
Motions made by.....	683, 698, 701, 706, 727, 906

HILL, B. F.

Nominated for Director of State Prison South	36
Voted for Director of State Prison South.....	36
Declared elected Director of State Prison South.....	36

HENDRICKS, THOMAS A.—

Declared elected Governor.....	24
Sworn into office as Governor and delivered address.....	53
Message announcing appointment of Private Secretary.....	70
Messages from.....	113, 167, 179, 227, 271, 282, 306, 436, 442, 623 658, 686, 956, 984, 995, 1066, 1093, 1097

HINTON, JAMES S.—

Nominated for Canal Trustee.....	32
Voted for Canal Trustee.....	32
Declared elected Canal Trustee.....	33

HUBBARD, LUCIUS.—

Appeared and took his seat.....	8
Committees, appointed on (Standing).....	45, 83, 84, 85
Committees, appointed on (Select).....	121, 201, 317, 454, 626, 1074
Bills introduced by.....	49, 69
Resolutions offered by.....	140
Petitions presented by.....	218, 275
Reports made by.....	235, 245, 246, 257, 281, 286, 467, 468, 540, 828, 829, 839, 873, 874, 911
Motions made by.....	489, 494, 497, 498, 526, 647, 655, 679, 714, 718, 721, 850, 976, 1072

J**JOHNSTON, J. N.—**

Nominated Doorkeeper of Senate.....	10
Voted for as Doorkeeper of Senate.....	11

JAMISON, P. H.—

Nominated for President of Board of Benevolent Institutions.....	28
Voted for as President of Board of Benevolent Institutions.....	28
Declared elected as President of Board of Benevolent Institutions.....	29

JOINT CONVENTION.—

To hear Message of Governor Baker.....	18
To count vote for Governor.....	22
To elect officers of Benevolent Institutions.....	28
To inaugurate Governor and Lieutenant Governor.....	53

JOHNSTON, ARCHIBALD.—

Nominated for Trustee of Blind Asylum.....	29
Voted for as Trustee of Blind Asylum.....	29

LOUGHRIDGE, W. B.—

Nominated for Director of the State Prison North.....	40
Voted for as Director of the the State Prison North.....	41

M**MESSAGES FROM HOUSE—**

Announcing organization of House.....	12
Announcing passage of concurrent resolution	12
Announcing adoption of resolution inviting Senate to House.....	13
Announcing adoption of resolution inviting Senate to House.....	15
Announcing the time of Joint Convention.....	17
Announcing the meeting of Joint Convention.....	21
Announcing the time for Joint Convention.....	27
Announcing the appointment of committee to wait on Governor.....	45
Announcing appointment of committee to fix the time to hear addresses of Woman's Suffrage Association.....	45
Announcing concurrence in amendment of Senate to resolution of House.....	48
Asking Senate to meet in Joint Convention.....	52
Announcing passage of a concurrent resolution.....	67
Announcing appointment of a Joint Committee on Claims.....	74
Announcing passage of House bill No. 294.....	82
Announcing adoption of concurrent resolution.....	92
Announcing passage of House bills Nos. 200 and 219.....	103
Announcing passage of Senate bill No. 150.....	107
Announcing adoption of concurrent resolution.....	108
Announcing passage of House bills Nos. 265, 391 and 302.....	110
Announcing refusal to concur in resolution.....	115
Announcing passage of House bills Nos. 76, 291 and 293.....	122
Announcing adoption of concurrent resolution.....	131
Announcing adoption of concurrent resolution.....	133
Announcing appointment of Joint Committee on Claims.....	144
Announcing signature of Speaker to House act No. 294 and Senate act No. 150.....	148
Announcing passage of House bill No. 294 and Senate bill No. 159.....	154
Announcing concurrence in resolution of the Senate.....	173
Announcing passage of House bills Nos. 213 and 225.....	175
Announcing passage of House bills Nos. 307 and 299.....	190
Announcing passage of Senate Joint Resolution No. 5.....	198
Announcing passage of House Joint Resolution No. 11.....	206
Announcing passage of Senate bill No. 2.....	217
Announcing signature of Speaker to House Joint Resolution No. 11 and House acts 301 and 302, and adoption of concurrent resolution.....	250
Announcing adoption of concurrent resolution, also Senate bill No. 2.....	253
Announcing passage of House bill No. 100, and signature to Senate bill No. 159 and Senate Joint Resolution No. 5.....	254
Announcing passage of Senate Joint Resolution No. 7, House Joint Resolution No. 12, and House bills Nos. 208, 245, 230, 46, 332 and 314.....	277
Also, House concurrent resolution	277
Announcing adoption of House Joint Resolution No. 13, and signature to act No. 297.....	255
Announcing passage of House bill No. 333.....	298
Announcing passage of House bill 335.....	303
Announcing adoption of Senate Concurrent resolution.....	315
Announcing passage of Senate bill No. 262, and House bills Nos. 272, 417, 410, and House Joint Resolution No. 12, and Senate Joint resolution No. 7.....	320
Announcing adoption of resolution, also House Joint Resolution No. 14.....	336
Announcing signature of the Speaker to House bills Nos. 27, 211, and passage of House bills Nos. 421, 422	353
Announcing passage of House Joint Resolution No. 15.....	
Announcing signature of the Speaker to Senate bills Nos. 262, 2.....	377
Announcing adoption of House Concurrent Resolution, also passage of House bills No. 62 and Senate Joint Resolution No. 4	392
Announcing adoption of Senate Joint Resolution No. 10.....	394
Announcing passage of House bills Nos. 189, 191, 201, 270, 291, 282, 313, 341, 351.....	406
Announcing passage of Senate Joint Resolution No. 10	408
Announcing passage of House bills Nos. 310, 236, 266, 311.....	409
Announcing passage of House bills Nos. 303, 319, 368, 288, 354.....	414

MESSAGES FROM HOUSE—Continued.

Announcing signature to Senate Joint Resolution No. 4 and House Joint Resolution Nos. 15, 18.....	428
Announcing passage of House bills Nos. 186, 327, 339, 353, 360, 376, 390, 408.....	428
Announcing passage of House bill No. 55.....	442
Announcing adoption of Senate Concurrent Resolution in relation to Vienna Exposition.....	464
Announcing passage of Senate bill No. 23 and House bill No. 380, and signature to House bills Nos. 71, 361.....	487
Announcing signature of the Speaker to Senate bill No. 62, and passage of House bill No. 316.....	490
Announcing adoption of a concurrent resolution by the House	502
Announcing adoption of House Joint Resolution No. 19, also signature of the Speaker to Senate bill 23.....	572
Announcing passage of House bills Nos. 411, 68, 89, 226, 377, 384, 404, 434, 444, and Senate bill No. 29	
Announcing adoption of concurrent resolution.....	564
Announcing adoption of concurrent resolution.....	562
Announcing signature of the Speaker to Senate bill No. 29.....	568
Announcing passage of House bills Nos. 382, 396, 416, 416, 424, 473, 272.....	571
Announcing passage of House bills Nos. 275, 341, 356, 465; also, signature of Speaker to House bill No. 36.....	593
Announcing passage of House bills Nos. 504, 430, 447, 362, 446.....	599
Announcing passage of House bills Nos. 453, 456, 495 and Senate Joint Resolution No. 8...	
Announcing signature of the Speaker to House bills No. 188, 137 118.....	612
Announcing passage of House bill No. 493 and Senate bill No. 94.....	628
Announcing signature of the Speaker to House act No. 200; also the passage of House Joint Resolution No. 20	646
Announcing signature of the Speaker to House act No. 327.....	650
Announcing signature of the Speaker to Senate Joint Resolution No. 8.....	656
Announcing signature of the Speaker to Senate act No. 94.....	672
Announcing passage of Senate bills Nos. 4, 32, 153, 99; also, House Joint Resolution No. 10.....	696
Announcing passage of House bill No. 312.....	705
Announcing adoption of concurrent resolution in relation to a new State House.....	720
Announcing passage of Senate bill No. 50.....	737
Announcing passage of Senate bills Nos. 224, 310 and House bill No. 489; also signature of the Speaker.....	
Announcing passage of House bill No. 417 and Senate bill No. 4.....	756
Announcing passage of Senate bill No. 160 and House bill No. 526, and signature of the Speaker to Senate bills Nos. 153, 32.....	776
Announcing passage of House bill No. 534.....	789
Announcing signature of the Speaker to Senate bill No. 99.....	806
Announcing passage of Senate bills Nos. 10, 69.....	814
Also, passage of House bills Nos. 195, 224.....	815
Also, signature of the Speaker to Senate bills Nos. 224, 310.....	816
Announcing signature of the Speaker to House bill No. 36.....	821
Announcing passage of Senate bills Nos. 88, 156, 264; also, Senate Joint Resolution No. 12; also signature of the Speaker to House bills Nos. 493, 360, 382, and Senate bill No. 160.....	833
Announcing passage of concurrent resolution.....	852
Announcing passage of House bill No. 61 and Senate bill No. 115.....	867
Announcing passage of Senate bills Nos. 169, 170, 254, and House bills Nos. 436, 515, 528, 530, 539, 541, 512.....	870
Announcing signature of the Speaker to Senate bill No. 238.....	874
Announcing passage of Senate bill No. 292, and signature of Senate bills Nos. 10, 50, 69....	896
Announcing adoption of Senate Resolution in relation to Adjutant Generals report.....	900
Announcing signature of the Speaker to Senate bills Nos. 170, 254; also the passage of House bills, Nos. 503, 476, and Senate bill No. 106.....	909
Announcing passage of House bill No. 256.....	914
Announcing passage of House bills Nos. 531, 535.....	919

MESSAGES FROM HOUSE—Continued.

Announcing passage of Senate bills Nos. 155, 273, 305, 48; also, House bill No. 503 and Senate bill No. 294.....	923
Announcing passage of House bill No. 524, and Senate bill No. 117.....	945
Announcing signature of the Speaker to House bills Nos. 133, 539.....	945
Announcing adoption of concurrent resolution of House.....	964
Also, passage of Senate bills Nos. 369, 239.....	965
Announcing passage of Senate bills Nos. 176, 24, 206, 74.....	968
Announcing passage of Senate bill No. 120.....	971
Announcing passage of Senate bill No. 250.....	975
Announcing signature of the Speaker to House bill No. 189.....	977
Announcing signature of the Speaker to Senate bills Nos. 106, 305.....	986
Announcing passage of House bill No. 542, and Senate bill No. 333.....	994
Announcing signature of the Speaker to House bills Nos. 504, 476, 195, 339, 434, and Senate bill No. 48.....	1000
Announcing the passage of House bill No. 532, and Senate bills Nos. 325, 259, 222.....	1010
Announcing the passage of Senate bills Nos. 345, 34, and signature of the Speaker to House bills Nos. 504, 476, 195, 339, 434, and Senate bill No. 48.....	1011
Announcing the passage of Senate bill No. 293.....	1023
Announcing the signature of the Speaker to Senate bills Nos. 292, 204, 346, 300, 117, 222, 333, also House bill No. 530.....	1039
Announcing the signature of the Speaker to House bill No. 377.....	1041
Announcing the non-concurrence of House in Senate amendments to House bill No. 535.....	1054
Announcing the concurrence of House in Senate amendments to House bill No. 531.....	1057
Announcing the appointment of free conference committee on House bill No. 531.....	1058
Announcing the signature of the Speaker of the House to Senate bills Nos. 34, 289, 239, 293, and House bills Nos. 495, 241, 73, 532, 345.....	1059
Announcing the passage of Senate joint resolution No. 11.....	1060
Announcing the signature of the Speaker to House bills Nos. 380, 354, 59, 453, 541, 436, 316, 503, 521, 139, 430, 114, 225, 208, 213, 535, 531.....	1061
Announcing the adoption of House joint resolution No. 23.....	1073
Announcing the adoption of a concurrent resolution.....	1091
Announcing the signature of the Speaker of the House to House joint resolutions Nos. 22, 23.....	1093
Announcing the adoption of a concurrent resolution.....	1096

MUNSON, A. L.—

Nominated for Director of State Prison South.....	36
Voted for Director of State Prison South.....	26
Declared elected Director of State Prison South.....	37

MILLER, ROBERT—

Appeared and took his seat.....	82, 83, 85
Committees appointed on (Standing).....	238, 555, 535
Committees appointed on (Select).....	840
Reports made by.....	654
Petitions presented by.....	912, 913
Motions made by.....	

N**NEWELL, OLNEY—**

Nominated Assistant Secretary.....	10
Voted for.....	10

NIXON, CYRUS T.—

Nominated for Canal Trustee.....	22
Voted for Canal Trustee.....	23

NEFF, ANDREW J.—

Appeared and took his seat.....	8
Committees appointed on (Standing).....	82, 84, 85, 86
Committees appointed on, (Select).....	626, 817
Resolutions offered by.....	
Bills introduced by.....	52, 72, 237, 854
Reports made by.....	25, 362, 543, 652, 654, 711, 712, 787, 924, 925, 1070
Motions made by.....	51, 132, 133, 169, 172, 335, 429, 450, 512, 525, 594, 684, 883, 951, 995, 1038
Petitions presented by.....	143, 464, 544

O

O'BRIEN, WILLIAM.—

Appeared and took his seat.....	7
Committees appointed on, (Standing).....	83, 84, 85, 412
Committees appointed on, (Select).....	15
Petitions presented by.....	143, 275
Motions made by.....	150, 175, 176, 189, 207, 210, 220, 227, 237, 297, 302, 303 305, 314, 331, 367, 379, 459, 480, 488, 489, 490, 568, 573
Bills introduced by.....	211, 290
Reports made by.....	258, 329, 452, 453, 469, 567, 568
Resolutions offered by.....	290, 346

OLIVER, DANDRIDGE H.—

Appeared and took his seat.....	8
Committees appointed on (Standing).....	84, 85
Committees appointed on (Select).....	
Petitions presented by.....	87, 871
Bills introduced by.....	239, 366, 811
Resolutions offered by.....	367
Motions made by.....	664, 944
Reports made by.....	779, 937

OLIVE, DAVID H.—

Nominated for Secretary of Senate.....	9
Elected Secretary.....	9
Sworn into office.....	10

OREN, SARAH A.—

Nominated for State Librarian.....	34
Voted for State Librarian.....	34
Declared elected State Librarian.....	35

ORB, JAMES—

Appeared and took his seat.....	5
Resolutions offered by.....	11
Committees appointed on (Standing).....	83, 84, 85
Committees appointed on (Select).....	
Petitions presented by.....	87, 88, 167, 251, 275, 302, 384, 385, 483, 564, 618, 618
Motions made by.....	77, 100, 103, 107, 121, 154, 171, 190, 236, 299 300, 301, 325, 335, 345, 413, 572, 574, 652, 653 708, 720, 721, 723, 787, 849, 991, 1014, 1029, 1037
Resolutions offered by.....	17, 75, 89, 166, 1067
Bills introduced by.....	19, 59, 71, 90, 175, 290, 365, 474, 719
Reports made by.....	168, 170, 233, 258, 281, 285, 468, 469, 472, 572, 712, 764, 844

P

PARMENTER, H. S.—

Nominated for Trustee of Insane Asylum.....	32
Voted for Trustee of Insane Asylum.....	31

PLATT, S. T.—

Nominated for Director of State Prison South.....	37
Voted for Director of State Prison South.....	87
Declared elected as Director of State Prison South.....	88

R**RHODES, WILLIAM P.—**

Appeared and took his seat.....	7
Committees appointed on (Standing).....	83, 84, 86
Committees appointed on (Select).....	66, 201, 454
Bills introduced by.....	129, 242 474
Motions made by.....	50, 60, 72, 295, 299, 334, 477, 483, 485, 522, 618, 683 703, 704, 706, 725, 728, 730, 794, 894, 950
Petitions presented by.....	168, 597
Reports made by.....	472, 529, 556, 575, 642, 789
Resolutions offered by.....	473

RINGO, MORGAN B.—

Appeared and took his seat.....	3
Committees appointed on (Standing).....	83, 84, 85, 189
Committees appointed on (Select).....	200, 797
Bills introduced by.....	174, 355 914
Reports made by.....	234
Petitions presented by.....	596
Motions made by.....	705, 997

ROSEBRUGH, MOSES K.—

Appeared and took his seat.....	8
Committees appointed on (Standing).....	84, 85
Motions made by.....	682, 684, 728, 817, 952, 1034

S**SAGE, H. T.—**

Nominated for Director of State Prison South.....	35
Voted for Director of State Prison South.....	35

SEXTON, LEONIDAS, PRESIDENT OF SENATE—

Declared elected Lieutenant-Governor.....	24
Delivered inaugural address, and was sworn into office.....	67
Announced standing committees.....	82
Announced select committees.....	763
Communications laid before the Senate.....	500, 597, 679, 694, 792, 1065, 1088
Announcement of bills signed by.....	1019, 1040, 1059

SARNIGHAUSEN, JOHN D.—

Appeared and took his seat.....	5
Committees appointed on (Standing).....	84, 85
Motions made by.....	98, 120, 500
Bills introduced by.....	239, 475, 559, 947
Reports made by.....	259, 260, 545, 546, 709, 875, 876
Resolutions offered by.....	501, 1091
Petitions presented by.....	515

SCOTT, HARVEY D.—

Appeared and took his seat.....	4
Committees appointed on (Standing).....	83, 84, 85, 189
Committees appointed on (Select).....	75, 104, 763
Bills introduced by.....	61, 124, 363, 365, 366
Resolutions offered by.....	103, 439, 664, 728

SCOTT, HARVEY D.—Continued.

Reports made by	129, 223, 336, 734, 877, 917, 1024
Petitions presented by	253, 545
Motions made by	4, 7, 11, 94, 119, 343, 362, 386, 415, 473, 480, 484, 491, 517, 532 569, 598, 653, 682, 704, 706, 707, 715, 721, 723, 731 736, 737, 739, 790, 791, 792, 793, 794, 817, 819, 824 891, 909, 973, 974, 990, 991, 1014, 1030, 1067, 1068
Joint Resolutions introduced by	736

SLEETH, GEORGE B.—

Appeared and took his seat	8
Committees appointed on (Standing)	83, 84, 85, 412
Committees appointed on (Select)	64, 102, 20
Motions made by	43, 213, 218, 490, 484, 546, 618, 641, 682, 700, 701, 705, 715 717, 748, 774, 863, 864, 941, 977, 983, 1021, 1039, 1067
Bills introduced by	125, 479, 559, 887, 941
Petitions presented by	70, 685
Reports made by	100, 328, 472, 543, 713, 765, 838, 839, 843, 844, 926, 927, 985, 987, 1009
Resolutions offered by	122, 171, 1066

SLATER, M. R.—

Appeared and took his seat	4
Committees appointed on (Standing)	83, 84, 85
Committees appointed on (Select)	200, 348, 973
Motions made by	66, 80, 99, 101, 119, 149, 219, 308, 348, 390, 451, 464 455, 471, 481, 486, 522, 525, 569, 590, 610, 611, 614 660, 669, 670, 683, 707, 719, 721, 723, 752, 782, 842 868, 891, 932, 969, 983, 984, 990, 991, 1009, 1015, 1060
Petitions presented by	87, 586
Bills introduced by	386
Reports made by	411, 714, 729

SLATER, FRED—

Nominated for Trustee of Soldiers' Home	41
Voted for Trustee of Soldiers' Home	42

SMITH, MILO B.—

Appeared and took his seat	3
Committees, appointed on (Standing)	84, 85, 86, 189
Committees, appointed on (Select)	75, 94, 120, 631
Bills introduced by	189, 404, 597, 765
Petitions presented by	87, 303
Motions made by	119, 348, 377, 401, 521, 531, 574, 599, 632, 683 723, 854, 865, 890, 891, 1074, 1081, 1085
Reports made by	129, 162, 338, 649, 936, 976
Resolutions offered by	129
Joint resolutions introduced by	763

SPECIAL ORDERS—

Consideration of	75, 632, 782, 822, 848, 852, 859, 879, 881, 890, 897, 932, 963, 1073
------------------------	--

SMITH, ALLEN W.—

Nominated for Director of State Prison North	39
Voted for as Director of State Prison North	39
Declared elected Director of State Prison North	40

Dr. JOHN, B. T.—

Nominated for Director of State Prison North	38
Voted for as Director of State Prison North	38
Declared elected Director of State Prison North	39

STEELE, ASBURY.—

Appeared and took his seat.....	4
Committees, appointed on (Standing).....	83, 84
Committees, appointed on (Select).....	14, 16, 47, 310
Motions made by.....	6, 77, 78, 99, 110, 148, 154, 169, 214, 317, 330, 394, 412, 414, 425, 450 454, 486, 488, 491, 496, 498, 509, 516, 522, 526, 540, 560, 585, 591, 594 606, 611, 622, 623, 626, 627, 660, 667, 684, 726, 739, 795, 816, 854, 867 890, 903, 925, 990, 1014, 1016, 1037, 1050, 1057
Bills introduced by.....	71, 146, 295, 477
Reports made by.....	162, 164, 255, 256, 288, 289, 293, 325, 401, 402, 403, 446, 447 521, 553, 594, 630, 777, 778, 919, 931, 980, 987, 1026
Petitions presented by.....	515, 529, 594, 642
Resolutions offered by.....	906

STROUD JOHN—

Appeared and took his seat.....	4
Committees, appointed on (Standing).....	45, 83, 84, 85
Committees, appointed on (Select).....	797
Bills introduced by.....	365
Reports made by.....	830
Motions made by.....	914

SPANN, BENJAMIN F.—

Nominated for Trustee of Deaf and Dumb Asylum.....	30
Voted for Trustee of Deaf and Dumb Asylum.....	39

SMILEY, JAMES—

Nominated for Director of State Prison North.....	83
Voted for Director of State Prison North.....	49

T**TAYLOR, HENRY—**

Appeared and took his seat	8
Nominations made by.....	
Committees appointed on (Standing)	83, 84, 85
Committees appointed on (Select)	
Bills introduced by.....	18, 71, 241, 300
Petitions presented by.....	27, 252, 517, 653, 942
Motions made by.....	101, 120, 147, 169, 212, 270, 272, 304, 391, 460, 463, 499 525, 535, 585, 624, 669, 717, 774, 923, 938, 962, 987 999, 1007, 1008, 1015, 1019, 1029, 1030, 1052, 1056, 1057, 1061
Reports made by.....	105, 255, 385, 386, 413, 833, 869, 920, 938, 1001, 1023
Resolutions offered by.....	123

THOMPSON, W. C.—

Appeared and took his seat.....	6
Committees appointed on (Standing).....	83, 84, 85
Committees appointed on (Select).....	19
Motions made by.....	20, 270, 455, 733, 909, 910
Petitions presented by	223, 275, 596, 650, 800
Bills introduced by ..	240, 241, 242, 243, 355, 363, 365, 476
Reports made by.....	327, 412, 418, 451, 476, 602, 729, 809, 906
Resolutions offered by	696

W**WADGE, RICHARD C.—**

Appeared and took his seat	
Committees appointed on (Standing).....	83, 84

WADGE, RICHARD O.—Continued.

Committees appointed on (Select).....	16, 626
Resolutions offered by.....	81, 612, 797, 1065, 1069
Motions made by.....	341, 344, 474, 499, 534, 613, 763, 764, 891, 894, 903
Petitions presented by.....	335, 517
Joint resolutions introduced by.....	383, 736, 900
Bills introduced by.....	474
Reports made by.....	709, 959, 1071, 1072, 1076

WILLIAMS, JAMES D.—

Appeared and took his seat.....	4
Resolutions offered by.....	13, 576
Committees appointed on (Standing).....	83, 84, 86
Committees appointed on (Select).....	13, 14, 47, 53, 454, 1075
Motions made by.....	26, 95, 98, 111, 119, 139, 151, 152, 166, 171, 176, 200, 210, 467, 469 490, 491, 527, 535, 584, 588, 610, 618, 619, 620, 621, 661 682, 684, 685, 686, 698, 703, 729, 812, 844, 854, 883 915, 916, 953, 992, 999, 1015, 1029 1049, 1066, 1074, 1075, 1078
Bills introduced by.....	45, 59, 718
Reports made by.....	51, 239, 521, 841, 841, 843, 871, 871, 872, 873, 964, 1078
Petitions presented by.....	458, 653
Joint Resolutions introduced by.....	878

WINTERBOTHAM, J. H.—

Appeared and took his seat.....	4
Committees appointed on (Standing).....	83, 84, 85, 414
Committees appointed on (Select).....	
Petitions presented by.....	303
Motions made by.....	241, 608, 724, 732, 901
Bills introduced by.....	363, 569, 597
Resolutions offered by.....	645

12	November 15.	counties of the Third Judicial Circuit, and repealing all laws in conflict therewith, and declaring an emergency. A BILL to give right of action for injuries in certain cases.	Beeson.	of Meers, Cave, Williams and Cornahan. Reported back March 10, 1873. Read first time November 15; read second time by title November 16, and referred to Committee on Temperance. Reported back December 20. On second reading. Read first time November 15; read second time by title November 18. Reported in the Judiciary. Committed to the Committee on Calendar. Failed to pass January 13.
13	November 15.	A BILL requiring Railroad Companies organized under any laws of the State of Indiana to keep their principal office of business within the State, and to have a majority of Directors resident within the State of Indiana and along the line of railroad.	Williams.	Read first time December 14; read second time by title November 18, and referred to the Committee on the Judiciary. Reported back November 23. On second reading. Failed to pass January 23. Passed the Senate December 19, 1872. Pending in the House.
14	November 15.	A BILL to amend section 5 of an act entitled "An act concerning mortgages," approved May 4, 1863.	Smith.	
15	November 19.	A BILL to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school grounds and buildings for school purposes and collection of an additional apportionment of principal and interest of such contracts heretofore entered into, and	Hubbard.	
16	November 19.	A BILL to amend section 2 of an act entitled "An act concerning mortgages," approved May 4, 1863.	Taylor.	Read first time November 18; read second time by title November 20, and referred to the Committee on the Judiciary. Reported back with amendments, and ordered to lie on the table; taken up and placed on the Calendar December 20. Passed the Senate January 31. Pending in the House.
17	November 19.	A BILL to amend section 2 of an act entitled "An act approved March 11, 1861, to amend section 8 and section 10 of an act entitled an act providing for the election and qualification of Justices of the Peace, and defining jurisdiction, powers and duties in civil cases, approved June 11, 1861."	Orr.	
18	November 19.	A BILL to amend section 2 of an act entitled "An act approved March 11, 1861, to amend section 8 and section 10 of an act entitled an act providing for the election and qualification of Justices of the Peace, and defining jurisdiction, powers and duties in civil cases, approved June 11, 1861."	Miller.	
19	November 19.	A BILL amending an act entitled "An act regulating the granting of divorces, nullification of marriages and decree and orders of Court incident thereof."	Wells.	
20	November 19.	A BILL relative to the nullification of real estate on execution owned by husband and wife.	Armstrong.	

29	November 19.	General Assembly by the next succeeding special session of the same General Assembly. A BILL to provide for the enlargement of the State House Grounds by vacating a certain street and alley therein named, and by acquiring certain real estate therein described, in order to furnish a suitable site for a new State House.	Thompson.	to lie on the table. Taken up December 20 and placed on the Calendar. Indefinitely postponed January 30. Read first time November 19; read second time by title November 20, and referred to Committee on Public Buildings. Reported back December 6. On second reading. Passed the Senate January 20. Passed the House February 14, and became a law.
30	November 19.	A BILL to amend the title and the first section of "An act to organize a Supreme Court, and prescribing certain duties of the Judges thereof."	O'Brien.	Read first time November 19; read second time by title November 20, and referred to Committee on Organization of Courts. Reported back with amendments; ordered to lie on the table; December 20, taken up and placed on Calendar. Indefinitely postponed January 30.
31	November 19.	A	Gleason.	Read first time November 19; read second time by title November 20, and referred to the Committee on Corporations. Reported back December 6; laid on the table, one copy ordered printed; December 20 taken up, the Calendar. Indefinitely postponed February 19; Nov. 19; Committee back
32	November 19.	A BILL to amend an act entitled "An act to incorporate the Indiana Fire and Marine Insurance Companies."	Dwiggins.	Nov. 28. On second reading. Became a law Feb. 26. Read first time November 19; read second time by title November 20, taken up, the Calendar. Indefinitely postponed February 19; Nov. 19; Committee back
33	November 19.	A BILL to amend section ninety and section one hundred and three of an act entitled "An act to revise, simplify and abridge the rules, practice and pleadings, and forms in criminal actions in courts of this State," approved June 17, 1882, and declaring an emergency.	Beardsley.	Read first time November 19; read second time by title November 20, taken up, the Calendar. Indefinitely postponed February 19; Nov. 19; Committee back
34	November 19.	A	Hough.	Read first time November 19; read second time by title November 20, taken up, the Calendar. Indefinitely postponed February 19; Nov. 19; Committee back
35	November 19.	A	Gregg.	Read first time November 19; read second time by title November 20, taken up, the Calendar. Indefinitely postponed February 19; Nov. 19; Committee back
36	November 19.	A	Nesb.	Read first time November 19; read second time by title November 20, taken up, the Calendar. Indefinitely postponed February 19; Nov. 19; Committee back
37	November 19.	A BILL to amend section 27 of an act entitled "An act to provide for opening, vacating and change of highways," approved June 17, 1882.	Cave.	Read first time November 19; read second time by title November 20, taken up, the Calendar. Indefinitely postponed February 19; Nov. 19; Committee back
38	November 19.	A BILL to amend an act entitled "An act to authorize and encourage the construction of levees, dikes and drains, and the reclamation of the swampy lands of the State," approved June 17, 1882.	Boone.	Read first time November 19; read second time by title November 20, taken up, the Calendar. Indefinitely postponed February 19; Nov. 19; Committee back

CALENDAR OF SENATE BILLS—Continued.

When Introduced.	TITLE.	By Whom.	Action On.
41 November 19.	A BILL to amend section 5 of an act entitled "An act to regulate and to cause the sale of spirituous, vinous, malt, and other intoxicating, to repeal all acts, and prescribing March 5, 1850.	Slater	Read first time Nov. 19; read second time by title Nov. 20, and referred to Committee on Temperance. Reported back Dec. 5, and ordered to lie on the table; Dec. 20 taken up and placed on Calendar. Read a second time Feb. 24, and ordered to lie on the table. Taken up and recommitted to the committee on Education Jan. 30. Reported back Feb. 5.
42 November 19.	A BILL concerning instruments in money, or account of any specific relation therein act therewith, and "An act to protect therein, or the issue of, and repealing 1.	O'Brien.	Read first time Nov. 19, read second time by title Nov. 20, and referred to Committee on the Judiciary. Reported back Dec. 13, and ordered to lie on the table; Dec. 20 taken up and placed on Calendar. Ordered to lie on the table Feb. 13.
43 November 19.	A BILL to amend an act entitled "An act to regulate, by and drains, by laws relating to	Beardsley.	Read first time Nov. 19; read second time by title Nov. 20, and referred to Committee on Corporations. Reported back Dec. 6, and ordered to lie on the table; Dec. 20 taken up and placed on Calendar. I
44 November 20.	A BILL to amend an act entitled "An act to establish a House of Refuge for the correction and reformation of juvenile offenders," approved March 5, 1857, and repealing section 11 of said act, and de-	Beeson.	Read first time Nov. 20, and referred to Committee on Institutions. Reported back Nov. 23; on engrossment.
45 November 20.	A BILL describing leased, regulated, thereof,"	Nell	Read first time Nov. 20; read second time Nov. 23, and referred to Committee on the Judiciary. Reported back Dec. 13, and ordered to lie on the table. Dec. 20 taken up and placed on Calendar. Ordered to lie on the table Feb. 1.
47 November 20.	A BILL protection prescribed 22, 1871.	Cave.	Read first time Nov. 20, and referred to Committee on
48 November 21.	A BILL to amend sections one and eight of an act entitled "An act to establish a home for the maintenance of sick and disabled Indian soldiers and women, and their widows and orphans," approved March 11, 1857, and section two of an act supplemental thereto, approved May 14, 1859	Thompson.	Reported back Dec. 5, and ordered to lie on the table, Dec. 20 taken up and placed on Calendar. Indefinitely postponed Feb. 7. Passed the Senate Dec. 10, 1872. Passed the House, March 6, 1873 and became a law.
49 November 21.	A BILL to amend section twenty-two of an act for the incorporation	Hough.	Read first time Nov. 21; read second time by title Nov. 23,

CALENDAR OF SENATE BILLS—Continued.

1134

No.	When Introduced	By Whom.	Action On.
69	November	Garnighan.	referred to Committee on Judiciary. Reported back Dec. 13, and indefinitely postponed. Read first time November 22; read a second time November 23, and referred to Committee on Corporations. Reported back Dec. 5. Passed the Senate Feb. 6. Passed the House March 3 and became a law.
70	November	Sleeth.	Read a first time November 23d, read second time by title November 25, and referred to Committee on Benovolent Institutions.
71	November	Cornakas.	Passed December 20, 1873. Pending in the House.
72	November	Thompson.	Read first time November 23; read second time by title November 25, and referred to the Committee on the Judiciary. Reported back Dec. 3. On second reading. Senate bill No. 230 introduced as a substitute.
73	November	Beardsley.	Read first time November 23; read second time by title November 25, and referred to Committee on Corporations. Reported back December 3. On second reading. Became a law March 8, 1873.
74	November	Rhodes.	Read first time November 23; read second time by title November 25, and referred to the Committee on County and Township Business. Reported back December 5. On second reading. Became a law March 8, 1873.
75	November 25.	Collett.	Read first time Nov. 23; read second time by title Nov. 30, and referred to Committee on the Judiciary. Reported back Dec. 1. On second reading. Failed to pass Jan. 31.

A BILL, defining the law of verbal slander, and fixing the penalty therefor.

CALENDAR OF SENATE BILLS—Continued.

1128

No.	When Introduced.	TITLE.	By Whom.	Action On.
88	November 27.	the payment of principal and interest of such bonds," approved March 11, 1867, and declaring an emergency. A BILL to authorize and encourage the construction of levees, dykes, drains and ditches, and the reclamation of wet and overflowed lands by incorporated associations, and providing for the organization of g their powers, and providing for h improvements and the expenses as benefited thereby, and for the	Chapman.	Passed the Senate December 12, 1872. Passed the House March 4, and became a law.
89	November 27.	A) of a non-negotiable bond to the money heretofore advanced by or State.	Gooding.	Read first time November 27; read second time by title December 2, and referred to Committee on Education. Reported back December 2. On second reading. Recommended to the Committee on Finance January 15. Reported back
90	November 27.	A BILL to amend section 24 of an act entitled "An act regulating descents and the apportionment of estates," approved May 16, 1862, and declaring an emergency.	Steeth.	
91	November 27.	A BILL declaring the real estate of married women liable for debts contracted by her, and for necessities furnished her family, and for work and labor performed on such real estate, and declaring an emergency.	Orr.	
92	November 27.	A BILL to amend section 16 of an act entitled "An act concerning real property and the alienation thereof," approved May 6, 1862.	Hubbard.	
93	November 27.	A BILL limiting the number of grand and petit jurors in the Courts of this State.	Rin .	
94	November 27.	A BILL concerning homes for friendless women, the collection and payments of fines and forfeitures, and repealing all laws conflicting therewith, and declaring an emergency.	Thompson.	
95	November 27.	A BILL to protect rivers, streams, or bodies of water from which water is taken, for the use of cities, towns, villages, or benevolent institutions, and providing a penalty for a violation, and declaring an emergency.	Scott.	
96	November 27	A BILL to encourage manufacturing in the State of Indiana, and	Hubbard.	Read first time November 27; read

97	November 27.	allowing and legalizing conveyances of real estate, by and to foreign manufacturing companies, and declaring an emergency.	Collett.
98	November 27.	A BILL to provide for the organization of an experimental school for the instruction of feeble-minded children.	Collett.
99	November 27.	A BILL to prevent carrying concealed or dangerous weapons, and to provide punishment therefor.	Collett.
100	November 27.	A	Daggy.
101	November 27.	phedding and practices without distinction, approved June 18, 1893.	Collett.
102	November 27.	A BILL to repeal all laws providing for the apprehension of property taken on execution or other final process.	Hubbard.
103	November 27.	A BILL to amend section 78 of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof."	Smith.
104	November 27.	A	Orr.
105	December 2.	A	Taylor.

December 2, and referred to committee on Manufactures. Reported back December 7, with amendments. On second reading, passed the Senate February 6. Pending in the House.

Read first time November 27; read second time by title December 2. Reported back December 6, and recommended to the same committee. Reported back December 6. Reported to lie on the table January 31.

Read first time November 27; read second time by title December 2, and referred to Committee on the Judiciary. Reported back December 13. On second reading, passed the Senate February 13. Pending in the House.

Read first time November 27; read second time by title December 2, and referred to Committee on Banks. Reported back December 7. On second reading, passed the Senate February 6. Passed the House February 26, and became a law.

Read first time November 27; read second time by title December 2, and referred to Committee on Benevolent Institutions. Reported back December 19. On second reading, passed the Senate February 6. Pending in the House.

Read first time November 27; read second time by title December 2, and referred to Committee on Railroads.

Read first time November 27; read second time by title December 2, and referred to Committee on the Judiciary. Reported back December 13, and ordered to lie on the table. December 20, taken up and placed on the Calendar. Indefinitely postponed February 5.

Read first time November 27; read second time by title December 2, and referred to Committee on the Judiciary. Reported back December 27. On second reading, passed the Senate February 6. Pending in the House.

Read first time November 27; read second time by title December 2, and referred to Committee on the Judiciary. Reported back December 27. On second reading, passed the Senate February 6. Pending in the House.

Read first time December 2; on second reading, passed the Senate February 13. Pending in the House.

117	December 3.	A	Orr.	Read first time December 3; on second reading. Passed the Senate February 26. Passed the House March 6, and became a law.
119	December 5.	A	Beeson.	Read first time December 3; on second reading. Indefinitely postponed January 24.
120	December 5.	A	Armstrong.	Read first time December 5; on second reading. Passed the Senate March 5. Passed the House March 7, and became a law.
121	December 5.	A	Thompson.	Read first time December 5; on second reading. Ordered to lie on the table January 28.
122	December 5.	A	Harney.	Read first time December 5; read second time by title December 13; referred to Committee on Corporations. Reported back December 19; on second reading. Passed the Senate January 23. Pending in the House.
123	December 5.	A	Glesener.	Read first time December 5; on second reading. Ordered to lie on the table February 11.
124	December 5.	A	Oliver.	Read first time December 5; on second reading. Passed the Senate March 1.
125	December 5.	A	Slater.	Read first time December 5; on second reading. Passed the Senate March 4.
127	December 5.	A	Rhodes.	Read first time December 5; on second reading. Passed the Senate February 12. Pending in the House.
128	December 5.	A	Hubbard.	Read first time December 5; on second reading. Indefinitely postponed February 11.
129	December 5.	A	Dager.	Read first time December 5; on second reading. Read a second time by title January 17, and referred to the Committee on Insurance. Reported back March 5.
130	December 7.	A	Hall.	Read first time December 7; on second reading. Indefinitely postponed February 11.
131	December 7.	A	Taylor.	Read first time December 7; on second reading. Ordered to lie on the table January 29.

CALENDAR OF SENATE BILLS—Continued.

142	December 9.	A	Read first time December 9; on second reading. In- definitely postponed February 7.
143	December 9.	A	Read first time December 9; on second reading. Passed the Senate February 26. Pending in the House.
144	December 9.	A	Read first time December 9; on second reading. Ordered to lie on the table February 6. Taken up January 20, and placed on file.
147	December 12.	A	Read first time December 12; read second time, and re- ferred to the Committee on the Judiciary. Reported back January 16. Passed the Senate January 16. Pending in the House.
148	December 12.	A	suspend- ed on the Senate
149	December 12.	A	by title read; on Prisons
150	December 12.	A	House
152	December 12.	A	second reading. In-
153	December 12.	A	second reading. Passed House February 24 and
154	December 12.	A	second reading. Order-
155	December 12.	A	second reading. Passed House March 6, and
156	December 12.	A	second reading. Passed House March 4, and
157	December 12.	A	second time December County and Township ry 14. Pending in the House.
158	December 12.	A	Read first time December 12; on second reading. Ordered to lie on the table January 24. Became a law. Read first time 1 16, and referred to Business. Passed House. Read first time December 12; on second reading. Ordered to lie on the table January 24. Became a law.

CALENDAR OF SENATE BILLS--Continued.

1142

LOUIS ON.

ember 14, 1872. Passed the House
law.

160	December 14.	emergency. A BILL to amend an act to incorporate the Lawrenceburg Insurance Company.	Geeding.	Read first time December 14; on second reading. Passed the Senate February 13. Passed the House March 1, and became a law.
161	December 16.	A BILL requiring the Boards of County Commissioners to refund to tax payers taxes levied and collected specially to aid in the con- struction of railroads, when the purposes for which the same were collected shall have or may fail.	Harney.	Read first time December 16; constitutional rule suspend- ed and read second time, and referred to Committee on Judi- ciary. Reported back and ordered to lie on the table; De- cember 20, taken up and placed on Calendar. Indefinitely postponed January 30.
162	December 16.	A BILL to repeal an act entitled "An act to repeal an act entitled 'An act concerning real property, and the alienation thereof,' ap- proved May 6, 1868, and to authorize the record of deeds or tran- scripts thereof, to be read in evidence in Courts of Justice in this State."	Scott.	Read first time December 16; on second reading. Passed the Senate February 13. Pending in the House.
163	December 16.	A BILL to amend section 7 of an act entitled "An act providing for	Hoff.	Read first time December 16; on second reading. Ordered to lie on the table January 23.
164	December 16.	A	Williams.	Read first time December 16; on second reading. Ordered to lie on the table January 17.
167	December 19.	A	Bosebrugh.	Passed the Senate December 19, 1872. Pending in the House.
168	January 10.	A	Dwiggins.	Read second time January 13, and ordered to be engrossed. Read a third time January 14 and referred to House.
169	January 10.	A	Gregg.	Passed the Senate Feb. 23. Passed the House March 5.
170	January 10.	A	Taylor.	Passed March 5, and became a law.
171	January 10.	A	Off.	Read second time by title Jan. 23, Committee on Rights and Privileges of the the State. Reported back March 5, and in- voted.

172	January 10.	A BILL regulating the fees of officers, and repealing former acts in relation thereto.	Dietsmore.	Read first and second time Jan. 10, and referred to Committee on Fees and Salaries Jan. 25. Reported back Feb. 15, and ordered to lie on the table. Passed the Senate Feb. 15. Pending in the House.
173	January 13.	A BILL to authorize School Trustees of incorporated towns and cities to sell certain school property within their limits, and providing for the disposition of the proceeds.	Dietsmore.	
174	January 14.	A BILL to amend an act in relation to the proceeds of the sale of certain school property within their limits, and providing for the disposition of the proceeds.	Neff.	Passed the Senate Feb. 26. Pending in the House.
175	January 15.	A BILL to amend an act in relation to the proceeds of the sale of certain school property within their limits, and providing for the disposition of the proceeds.	Williams.	Read first time Jan. 15. Read second time by title Jan. 22, and referred to the Committee on Fees and Salaries. Reported back Feb. 19, and ordered to lie on the table. Passed and became a law March 2.
176	January 15.	A BILL to amend an act in relation to the proceeds of the sale of certain school property within their limits, and providing for the disposition of the proceeds.	Hubbard.	
177	January 15.	A BILL to amend an act in relation to the proceeds of the sale of certain school property within their limits, and providing for the disposition of the proceeds.	Dwiggles.	Read first time Jan. 5. Read a second time by title Jan. 25, and referred to the Committee on Corporations.
178	January 15.	A BILL to amend an act in relation to the proceeds of the sale of certain school property within their limits, and providing for the disposition of the proceeds.	Neff.	a second time Jan. 25, and on the table. Reported a second time Jan. 25 by title on Education.
179	January 15.	A BILL to amend an act in relation to the proceeds of the sale of certain school property within their limits, and providing for the disposition of the proceeds.	Owe.	
180	January 15.	A BILL to amend an act in relation to the proceeds of the sale of certain school property within their limits, and providing for the disposition of the proceeds.	Harnay.	Read first time Jan. 13. Read a second time by title Jan. 25, and referred to the Committee on Roads. Reported back Feb. 15. Considered in Committee on Roads, and ordered to lie on the table.
181	January 15.	A BILL to amend an act in relation to the proceeds of the sale of certain school property within their limits, and providing for the disposition of the proceeds.	Williams.	Read first time Jan. 13. Read second time Jan. 25 by title, and referred to the Committee on Fees and Salaries. Reported back Feb. 15, and ordered to lie on the table.
182	January 15.	A BILL to amend an act in relation to the proceeds of the sale of certain school property within their limits, and providing for the disposition of the proceeds.	Orr.	
183	January 15.	A BILL to amend an act in relation to the proceeds of the sale of certain school property within their limits, and providing for the disposition of the proceeds.	Daggy.	
184	January 15.	A BILL to amend an act in relation to the proceeds of the sale of certain school property within their limits, and providing for the disposition of the proceeds.	Daggy.	
185	January 15.	A BILL to authorize Judges of Circuit Courts and Court of Common Pleas to grant injunctions in actions pending in counties adjoining such circuits or districts, etc., etc.	Hubbard.	
186	January 15.	A BILL to abolish the Common Pleas and Criminal Circuit Courts, and to provide for the trial of such cases in the Circuit Courts.	Ring.	Read first time January 13; read second time by title

CALENDAR OF SENATE BILLS—Continued.

When Introduced.	TITLE.	By Whom.	Action On.
187 January 13.	and conferring the business thereof upon the Circuit Courts, and to establish the office of Surrogate, etc., etc.		January 23, and referred to the Committee on the Organization of Courts. Reported back March 5, and ordered to lie on the table.
188 January 14.	A BILL to amend section 1 of an act entitled "An act to amend section 1 of an act entitled 'An act to amend section 3 of an act entitled 'An act for the regulation of weights and measures,' etc., etc."	Scott.	Passed the Senate February 26. Pending in the House.
189 January 14.		Steele.	Passed the Senate February 26. Pending in the House.
190 January 14.		Smith.	Passed the Senate February 26. Pending in the House.
191 January 14.	A BILL to enable securities to be released from appeal bonds.	Armstrong.	Read first time January 14; read second time by title January 23, and referred to the Committee on Education January 23, and reported back and its passage recommended February 4.
192 January 14.		Taylor.	Read first time January 14; read second time by title January 23; referred to the Committee on the Judiciary January 23, and reported back February 19, with amendments and passed.
193 January 14.	A BILL to amend section 5 of an act entitled "An act to exempt property from sale in certain cases," approved February 17, 1892.	Steele.	Read first time January 23, a Committee on the Judiciary January 23, and passage recommended January 23.
194 January 14.	A BILL supplemental to "An act authorizing the construction of plank, macadamized and gravel roads," approved May 12, 1892.	Orr.	Passed the Senate February 26. Pending in the House.
195 January 14.	A BILL in relation to the meetings of the Board of County Commissioners.	Hall.	Read first time January 23; referred to the Committee on Courts January 23, and reported back March 5, and passed.
196 January 14.	A BILL defining misdemeanors and declaring the penalties thereof, and declaring an emergency.	Beeson.	Read first time January 23; read second time by title January 23, and referred to the Committee on Agriculture.
197 January 14.	A BILL to amend section 24 of an act entitled "An act for the incorporation of the County of Lincoln," approved January 14, 1892.	Howard.	Read first time January 23; read second time by title January 23, and referred to the Committee on Agriculture.

197	January 15.	A	Harney.	ary 23. Reported back January 25, and ordered to lie on the table.
198	January 15.	A	Dittmore.	Read first time January 14; referred to Committee on Fees and Salaries January 22. Reported back February 18, and ordered to lie on the table.
199	January 15.	A	Haworth.	Passed the Senate February 14. Pending in the House.
200	January 15.	A	Fuller.	Read first time January 15. Referred to Committee on Railroads January 22.
201	January 15.	A	Orr.	Read first time Jan. 15; second time by title Jan. 23, and referred to the Committee on the Judiciary. Reported back Jan. 24, and indefinitely postponed.
202	January 15.	A	Carnahan.	Read first time Jan. 15. Read second time by title Jan. 22, and referred to the Committee on the Rights and Privileges of the Inhabitants of the State. Reported back Feb. 1, and in Passed Pending in the House.
203	January 15.	A	Daggy.	Passed the Senate Feb. 23. Pending in the House.
204	January 15.	A	Daggy.	Passed the Senate Feb. 23. Passed the House March 8, and became a law.
205	January 15.	A	Daggy.	Ordered to lie on the table March 7.
206	January 15.	A	Friedley of Scott.	Passed the Senate March 4. Passed the House March 7, and became a law.
207	January 15.	A	Collett.	Ordered to lie on the table January 24.
208	January 15.	A	Fuller.	Read first time Jan. 16. Read second time by title Jan. 23, and referred to the Committee on the Judiciary. Reported back Jan. 31. Read second time March 5 and ordered to be engrossed.
209	January 15.	A	Beeson.	Read first time Jan. 16. Read second time by title Jan. 23.

CALENDAR OF SENATE BILLS—Continued.

200	January 20.	A		Read first time January 20; read second time by title January 21, and referred to Committee on the Judiciary. Reported back January 24, and ordered to lie on the table.
201	January 20.	A	1 of nos.	Read first time January 20; read second time January 22, by title, and referred to Committee on Corporations. Reported back January 24, and ordered to lie on the table.
202	January 20.	A		Passed the Senate February 26. Passed the House March 4, and became a law.
203	January 20.	A	1 of nos.	Passed the Senate February 26. Pending in the House.
204	January 22.	A		Passed the Senate February 27. Passed the House February 28, and became a law.
205	January 22.	A	by.	Read first time January 22; read second time by title February 3, and referred to Committee on Printing. Reported back February 11, and indefinitely postponed.
206	January 22.	A		Read first time January 22; read second time by title January 26, and referred to Committee on the Judiciary. Reported back January 31, and indefinitely postponed.
207	January 22.	A		
208	January 22.	A		
209	January 22.	A		
210	January 24.	A	iciary ties.	
211	January 24.	A		Passed the Senate March 4. Pending in the House.

CALENDAR OF SENATE BILLS—Continued.

No.	ACTION ON.
202	24. Read a second time Jan. 26, and lites on Rights and Privileges. Re- Read a second time March 6. table Feb. 18.
203	
204	
205	
206	
207	25. Read second time by title Feb. Committee on the Judiciary. Report- ferred to lie on the table.
208	26. 21. Passed the House Feb. 22 and arch 6. Passed the House March 6,
209	26. Read second time by title Feb. Committee on Education. Reported second time Feb. 25, and ordered to lie
210	27. Read second time by title Feb. Committee on Rights and Privileges, 28, 18
211	

242	January 25.	A BILL to amend sections 7 and 8 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.	Taylor.	Read first time Jan. 25. Read second time Feb. 3 by title, and referred to the Committee on Corporations. Reported back Feb. 15. Read a second time March 5, and ordered to be engrossed.
243	January 25.	A BILL to appoint commissioners to sell certain real estate therein named, and providing that the results of such sale or sales shall be paid into the State Treasury by said commissioners, and declaring an emergency.	Thompson.	Read first time Jan. 25. Read second time Feb. 3 by title, and referred to the Committee on County and Township Businesses. Reported back March 1.
244	January 25.	A BILL fixing the compensation of certain officers therein named.	Beardsley.	Passed the Senate March 5. Pending in the House.
245	January 25.	A BILL providing for the letting of the State printing to the lowest bidder.	Beardsley.	Passed the Senate February 28. Reported to House March 1.
246	January 25.	A BILL to provide against usury.	Thompson.	Read first time January 25. Read second time by title February 3, and referred to the Committee on Rights and Privileges, etc. Reported back February 18.
247	January 25.	A BILL to provide against usury.	Gleason.	Read first time January 25. Read second time by title February 3, and referred to the Committee on Rights and Privileges, etc. Reported back February 18, and indefinitely postponed.
248	January 25.	A BILL to provide for exemption from sale on execution of occupied lots in cemeteries which have been platted and recorded.	Thompson.	Read first time January 25. Read second time by title February 3, and referred to the Committee on Corporations. Reported back February 11. Read second time February 25. Ordered engrossed.
249	January 25.	A BILL supplemental to an act entitled "An act to provide for a university and for the collection and return of the same, 1872."	Rhodes.	Read first time January 25. Read second time by title February 3, and referred to the Committee on Finance. Reported back February 13, and indefinitely postponed.
250	January 25.	A BILL to provide for the necessary arrangements, clerks and expenses of his office.	Gooding.	Passed the Senate March 4. Passed the House March 7, and became a law.
251	January 27.	A BILL in relation to donations by individuals to aid in the construction of any railroad.	Oave.	Read second time by title the Committee on Railroads. Ordered engrossed.
252	January 27.	A BILL to provide for the necessary arrangements, clerks and expenses of his office.	Daggs.	Read second time by title the Committee on the Judiciary. Ordered engrossed.
253	January 27.	A BILL to provide for the necessary arrangements, clerks and expenses of his office.	Thompson.	Read second time by title the Committee on the Judiciary. Ordered engrossed.
254	January 27.	A BILL to provide for the necessary arrangements, clerks and expenses of his office.	Hall.	Read second time by title the Committee on the Judiciary. Ordered engrossed.
255	January 27.	A BILL to prevent the owners of hops having the cholera from letting the same run at large.	Fuller.	Read first time January 27. Read second time by title February 3, and referred to the Committee on Agriculture. Reported back and ordered engrossed Feb. 25.

CALENDAR OF SENATE BILLS--Continued.

No.	When Introduced.	Title.	By Whom.	Action On.
256	January 29.	A BILL to prevent certain officers from using free passes over rail-roads.	Gragg.	Indefinitely postponed March 5.
257	January 29.	A BILL concerning public printing, repairs of public buildings or property, and rents of property for the State.	O'Brien.	Ordered to lie on the table February 12.
258	January 29.	A BILL to prevent betting on elections, and providing punishment for the same.	Fuller.	Passed the Senate February 23. Pending in the House.
259	January 29.	A	Orr.	Read first time January 29; read second time by title February 3, and referred to the Committee on Education. Reported back March 5.
260	January 29.	A	O'Brien.	Ordered to lie on the table March 4.
261	January 29.	A	Gleason.	Read first time January 29; read second time by title February 3, and referred to the committee on the Judiciary. Reported back February 5.
262	January 29.	A	Dougherty.	Became a law February 8.
263	January 29.	A	Bird.	Passed the Senate March 6. Pending in the House.
264	January 29.	A BILL to amend section "An act granting to the State the right to use the public lands for the purpose of establishing a national forest, and for other purposes."	Gooding.	Passed the Senate February 27. Passed the House March 4, and became a law.
265	January 29.	A	Steele.	Ordered to lie on the table February 12.
266	February 1.	A	Carroll.	Passed the Senate February 25. Pending in the House.
267	February 1.	A	Wells.	Passed the Senate March 8. Pending in the House.
268	February 1.	A	Carroll.	Read first time February 1; read second time by title February 3, and referred to the Committee on Education. Reported back February 7. Read second time February 24, and ordered enrolled.

269	February 1.	A BILL marsh thereof	Buysen.	Ordered to lie on the table February 11.
270	February 1.	A BILL 40,000 real estate	Thompson.	Read first time February 1; read second time by title February 3, and referred to the Committee on Corporations. Reported back February 11.
271	February 1.	A BILL to amend section 2 of an act entitled "An act providing for the organization of County Boards, and prescribing some of their	Ort.	Ordered to lie on the table February 7.
272	February 1.	A	Bingo.	Ordered to lie on the table February 6.
273	February 1.	A	Collett.	Passed the Senate March 4. Pending in the House.
274	February 3.	A	Scott.	read second time by title Committee on Agriculture. Read second time March 5,
275	February 3.	A	Geeding.	read second time by title the Committee on the Judiciary. Reported back February 16. Read a second time March 5, and ordered engrossed.
276	February 3.	A	Thompson.	Read first time February 3; read second time by title Committee on the Judiciary. 15. Read second time
277	February 3.	A	Scott.	read second time by title Committee on the Judiciary. 15. Read second time
278	February 3.	A	Winterbotham.	Passed the House March
279	February 3.	A	Gregg.	Ordered to lie on the table February 15.
280	February 3.	A	Cave.	Ordered to lie on the table February 11.
281	February 3.	A	Collett.	Ordered to lie on the table February 21.

ACTION ON.

Read first time February 3; read second time by title, February 13, and referred to Committee on Rights and Privileges, &c. Reported back February 27, and passage recommended.

Ordered to lie on the table February 15.

Ordered to lie on the table February 13.

Indefinitely postponed February 15.

Ordered to lie on the table February 13.

Read first time February 3, and referred to the Committee on Fees and Salaries.

; read second time by title February 28. Passed the House March 3.

Passed the Senate March 3. Pending in the House.

201	February 11.	A	Orr.	Ordered to lie on the table March 4.
202	February 11.	A	Rhodes.	Passed the Senate March 1. Passed the House March 5, and became a law.
203	February 11.	A	Wedge.	Passed the Senate March 5. Passed the House March 5, and became a law.
204	February 11.	A	Barnighausen.	Passed the Senate March 1. Passed the House March 5, and returned to Senate with amendments. Pending action in the Senate.
205	February 11.	A	Gooding.	Read first time February 11, and referred to the Committee on the Judiciary. Reported back February 15.
206	February 11.	A	Dwiggins.	Ordered to lie on the table March 5.
207	February 11.	A	Hough.	Read first time February 11; read second time by title February 12, and referred to the Committee on Rights and Privileges of the Inhabitants of the State. Reported back February 15.
208	February 11.	A	Hough.	Ordered to lie on the table February 15.
209	February 11.	A	Thompson.	Read first time February 11; read second time March 5, and ordered engrossed. Referred to Committee on Corporations. Reported back February 15.
210	February 11.	A	Harnay.	Passed the Senate March 4. Passed the House March 7, and became a law.

CALENDAR OF SENATE BILLS--Continued.

1154

No.	When Introduced.	TITLE.	By Whom.	Action On.
301	February 11.	A Bill to amend an act passed February 11, 1901, relating to the boundaries of the State of Indiana or a part thereof.	Steele.	Passed the Senate February 11. Pending in the House.
302	February 11.	A BILL to make general indexes of deeds and mortgages evidence in certain cases.	Dwiggins.	Passed the Senate March 5. Pending in the House.
303	February 11.	A BILL defining certain felonies and prescribing penalties.	Daggy.	Read first time the Judiciary Feb. 13.
304	February 11.	A BILL to repeal section 37 of "An act to regulate the sale of swamp lands donated by the United States to the State of Indiana and to provide for the draining and reclaiming thereof, in accordance with the conditions of said act."	Dwiggins.	Read first time referred to the Committee on Swamp Land Feb. 13.
305	February 11.	A BILL to incorporate Trustees educational, benevolent or charitable, and to give them to receive and hold real estate.	Dwiggins.	Read first time referred to the Committee on March 5, and ordered engrossed.
306	February 11.	A BILL providing for the organization of incorporated companies with power to lay out and build towns or additions to towns in the State of Indiana.	Steele.	Passed the Senate March 4. Passed the House March 6, and became a law.
307	February 11.	A BILL providing for the organization of incorporated companies with power to lay out and build towns or additions to towns in the State of Indiana.	Dwiggins.	Read a first time Feb. 11, and referred to Committee on Corporations. Reported back Feb. 16. Read a second time March 5, and ordered engrossed.
308	February 11.	A BILL providing for the organization of incorporated companies with power to lay out and build towns or additions to towns in the State of Indiana.	Hall.	Indefinitely postponed March 5.
309	February 11.	A BILL providing for the organization of incorporated companies with power to lay out and build towns or additions to towns in the State of Indiana.	Dwiggins.	Read a first time Feb. 11, and referred to the Committee on Education. Reported back March 5.
310	February 13.	A BILL providing for the organization of incorporated companies with power to lay out and build towns or additions to towns in the State of Indiana.	Brown.	Read a first time Feb. 13, and referred to the Committee on Railroads. Reported back Feb. 19, with amendments.
311	February 13.	A BILL for an act to amend the charter of the town of Clinton, granting to the Board of Trustees of said town certain powers, and legalizing certain acts of said President and Trustees of said town.	Collett.	Passed the Senate Feb. 20. Passed the House Feb. 26 and became a law.
312	February 13.	A BILL for an act to amend the charter of the town of Clinton, granting to the Board of Trustees of said town certain powers, and legalizing certain acts of said President and Trustees of said town.	Collett.	Read a first time Feb. 13, and referred to the Committee on Corporations.

212	February 13.	A	Read a first time Feb. 13. Referred to Committee on the Judiciary Feb. 14. Reported back Feb. 15, and recommended to same committee, reported Feb. 21. Passage recommended.
213	February 13.	A	Read a first time Feb. 13, and referred to the Committee on Printing. Reported back March 10.
214	February 13.	A	Indefinitely postponed Feb. 15.
215	February 13.	A	Read a first time Feb. 13, and referred to the Committee on Education. Reported back March 4.
216	February 13.	A	Read a first time Feb. 13, and referred to the Committee on Railroads. Reported back Feb. 21; passage recommended.
217	February 13.	A	Read a first time Feb. 13, and referred to the Committee on Railroads. Reported back Feb. 21; passage recommended.
218	February 14.	A	Passed the Senate March 4. Pending in the House.
219	February 15.	A	Read a first time Feb. 15.
220	February 15.	A	Read a first time Feb. 20.
221	February 15.	A	Read a first time Feb. 15, and referred to the Committee on Prisons. Reported back March 10.
222	February 15.	A	Ordered to lie on the table February 21.
223	February 15.	A	Read a first time February 15, and referred to a Select Committee consisting of Messrs. Boone, Rhodes and Harney.
224	February 15.	A	Read a first time February 15.
225	February 15.	A	Passed the Senate March 5. Passed the House March 8, and became a law.
226	February 15.	A	Read a first time February 15, and referred to the Committee on Corporations. Reported back March 1, and passage recommended.

TITLE.

No. WHEN INTRODUCED.

BY WHOM.

ACTION ON.

2017 February 19. A
 2018 February 19. A
 2019 February 19. A
 2020 February 26. A
 2021 February 26. A
 2022 February 27. A
 2023 February 27. A
 2024 February 27. A
 2025 February 27. A
 2026 February 27. A
 2027 February 27. A
 2028 February 28. A

Smith.

Daugherty.

Carnahan.

Beeson.

Dittmore.

Gooding.

Brown.

Glennier.

Williams.

Gooding.

Orr.

Friedley of S.

Passed the Senate February 26.

Read a first time Feb. 19, and referred to the Committee on Railroad. Reported back Feb. 26, and passage recommended.

Read a first time Feb. 19, and referred to the Committee on the Judiciary. Reported back Feb. 21.

Ordered to lie on the table March 4.

Read a first time Feb. 26, and referred to the Committee on the Judiciary. Reported back March 1, and passage recommended.

Read a first time February 27.

Passed the Senate March 5. Passed the House March 5, and became a law.

Feb. 27, and referred to the Committee on the Judiciary. Reported back March 1.

February 27, and referred to the Committee on the Judiciary. Reported back March 1, and passage recommended.

Passed the Senate March 6. Pending in the House.

Ordered to lie on the table March 5.

Read a first time February 28, and referred to the Committee.

Pending in the House.

239	March 1.	State into counties, defining their boundaries and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved June 7, 1852. A BILL to amend section 6 of "An act regulating the granting of marriages, and decrees and orders of	Smith.	tee on County and Township Business. Reported back March 6. Ordered to lie on the table March 6.
240	March 2.	A University and for the organization of	Taylor.	Read first time March 3, and referred to the Committee on Education.
241	March 3.	A BILL to amend "An act authorizing street or horse-car railway companies to use State, county or township roads, or other public certain conditions and regula-	Oliver.	Ordered to lie on the table March 4.
242	March 5.	A BILL for an act to amend section 54 of an act entitled "An act making specific appropriations for the years 1871 and 1872," ap-	Sleeth.	Passed the Senate March 5. Pending in the House.
243	March 6.	A of plans, specifications and esti- making an appropriation and	Scott.	Passed the Senate March 6. Pending in the House.
244	March 6.	A entitled "An act to provide for dy publication of the decisions impenation of such reporter,"	Sleeth.	Passed the Senate March 6. Pending in the House.
245	March 6.	A entitled "An act to divide the ces, fixing the time of holding ts of Common Pleas and trans- Circuit Courts, and providing ecuting Attorneys in certain	Cornahan.	Passed the Senate March 6. Passed the House March 6.
246	March 6.	A BILL to fix the times of holding the courts in the 35th judicial circuit, and continuing in force certain provisions of the law in reference thereto.	Barnighausen.	Passed the Senate March 6. Passed the House March 6, and became a law.
247	March 6.	A BILL providing how the unused books, blanks, forms and station- ary heretofore furnished for the use of the Common Pleas Court shall be disposed.	Beezon.	Passed the Senate March 6. Pending in the House.
248	March 8.	A es and of any to re- id pro- conflict section	Slater.	Read first time March 8.

of absep." approved June 15, 1852; approved March 2, 1855.

17	March 5.	A	A JOINT RESOLUTION authorizing the payment of a lost certificate of State Stock, No. 900, to Etienne Lion Arnold, of Paris, France.	Williams.	Read and referred to Committee on the Judiciary March 5. Reported back March 6.
18	March 5.	A		Friedley of Lawrence.	Passed the Senate March 5. Pending in the House.
19	March 6.	A	Senators and requesting their influence to prevent of weekly newspapers to be counties where printed. Auditor of State to sell a real estate therein described.	Elingo.	Ordered to lie on the table March 10.
20	March 7.	A	is management of State	Wadge.	Ordered to lie on the table March 7.
21	March 8.	A	sent to the constitution	Boone.	Pending in the Senate.
22	March 8.	A	sitting of paper and printing of the Treasurer of the law library of the	Chapman.	Passed the Senate March 8. Pending in the House.
23	March 8.	A	supreme court.	Steele.	Passed the Senate March 8. Pending in the House.

Bills Received from the House of Representatives, Disposed of and Pending in the Senate

No.	When Received.	TITLE.	Author of Bill.	Procedural Treatment.
7	November 24.	A BILL providing that Justices of the Peace shall have exclusive original jurisdiction in certain cases of misdemeanors, and repealing all acts in conflict with this act.	Oliver.	Read first time November 25; read second time by title November 27, and referred to Committee on the Judiciary. Reported back December 3, with amendments; on second reading; passed the Senate January 24, and became a law.
27	November 24.	A BILL concerning interest on judgments.	Willson of Ripley and Jefferson.	Read first time November 25; read second time by title November 27, and referred to Committee on the Judiciary. Reported back December 3, with amendments; on second reading; passed the Senate January 24, and became a law.
3	November 24.	A BILL to prevent hunting and shooting on enclosed land, without consent of the owner or occupant thereof, and providing a penalty therefor.	Furness.	Read first time December 2; read second time December 19, and referred to Committee on the Judiciary, with instructions. Reported back December 19; ordered to lie on the table December 20; taken up December 20 and placed on Calendar. Passed the Senate March 4, and became a law.
28	November 24.	A BILL to amend section 2 of an act entitled "An act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, power, and duties in civil cases," approved June 9, 1884, and repealing all laws and parts of laws in conflict therewith.	Willson of Ripley.	Read first time December 2; on second reading; failed to pass for want of a constitutional majority March 6, 1873.
30	November 24.	A	Odle.	Read first time December 2; on second reading. Read a second time by title January 23, and referred to the Committee on Rights and Privileges, etc. Reported back February 18; passage recommended. Read a second time February 2.
69	November 24.	A	Kirkpatrick.	Read first time December 2; on second reading; ordered to lie on the table January 2.
72	November 24.	A BILL in relation to Criminal Circuit Courts, and to create the 25th Judicial Circuit, providing for the appointment and election of a Judge and Prosecuting Attorney therein, and providing compensation therefor, declaring the jurisdiction of said Court, and providing for a transfer of action thereto.	Branham.	Read first time December 2; read second time Dec. 14, and referred to Committee on Organization of Courts. Reported back December 19, and ordered to lie on the table; taken up December 20, and placed on Calendar.
81	November 24.	A BILL to amend sections 2, 3, 4 and 5 of an act entitled "An act to	Walker.	Read first time December 2; read second time by title

Bills Received from the House of Representatives—Continued.

No.	When Received	
149	December 7	Read first time December 7; read second time December 10; ordered to lie on the table; taken up December 20, second on Calendar; passed the Senate March 9, and became a law.
144	December 7	Read first time December 7; on second reading; passed the Senate March 5, and became a law.
3	December 7	Read first time December 7; on second reading; passed the Senate March 5, and became a law.
149	December 7	Read first time December 7; on second reading; passed the Senate March 5, and became a law.
118	December 7	Read first time January 16; read second time January 23, and referred to the Committee on Education.
151	December 7	Read first time January 16; read second time January 23, and referred to the Committee on Education.
126	December 7	Read first time January 16; read second time January 23, and referred to the Committee on Education.
114	December 7	Read first time January 16; read second time January 23, and referred to the Committee on Education.
113	December 7	Read first time January 16; read second time January 23, and referred to the Committee on Education.
61	December 12	Read first time December 12; constitutional rule suspended; read second time, and referred to Committee on Finance. Reported back January 23, with amendments.
3	December 14	Read first time December 14. On second reading. Ordered to lie on the table March 7.
144	December 17	On first reading. Read a second time by title Jan. 23, and referred to the Committee on the Organization of Courts.

120	December 17.	A	Londesty.	On first reading. Pending on third reading.
117	December 17.	A	Willson of Ripley.	On first reading. Ordered to lie on the table March 7.
100	December 17.	A	Biggs.	On first reading. Passed the Senate March 6, and became a law.
128	December 17.	A	Billingsley.	On first reading. Ordered to lie on the table Jan. 25.
126	December 17.	A	North.	On first reading. Passed the Senate March 4, and became a law.
112	December 17.	A	Biggs.	Read first time Dec. 18. On second reading. Indefinitely postponed February 16.
174	December 17.	A	Baker.	On first reading. Pending on third reading.
171	December 17.	A	Given.	On first reading. Ordered to lie on the table Jan. 28.
211	December 17.	A	Maypool.	Read first time December 20. On second reading. Passed the Senate March 5, and became a law.
126	December 18.	A	Londesty.	On first reading. Pending on third reading.
66	December 18.	A	Furnas.	On first reading. Passed the Senate February 16, and became a law.
216	December 18.	A	Willson of Ripley.	On first reading. Indefinitely postponed Feb. 18.
210	December 18.	A	Baxter.	On first reading. Pending on third reading.
211	December 18.	A	Baxter.	Read first time December 17. Read second time December 20, and ordered to lie on the table. Taken up December 20.

Bills Received from the House of Representatives—Continued.

1164

200 January 20.

A Bill, regulating coal mines and the working thereof, providing for the appointment of a mine inspector, regulating his duties and compensation, providing for the punishment of persons violating the provisions of this act, and fixing the time when the same shall take effect

the rate of interest thereon, and regulating such as have been issued and declaring an emergency.

then each be paid.

Ordered to lie on the table March 7.

70	January 17.	A	Martin.	Pending on third reading.
200	January 17.	A	Shirley.	Passed the Senate January 23, and became a law.
201	January 17.	A	Peed.	Ordered to lie on the table March 7.
207	January 21.	A	Miller.	Passed the Senate January 23, and became a law.
205	January 22.	A	Mellett.	Passed the Senate March 4, and became a law.
213	January 22.	A	Walker.	Passed the Senate February 18, and became a law.
201	January 16.	A	Woolen.	Passed the Senate January 23, and became a law.
203	January 16.	A	Woolen.	Passed the Senate January 23, and became a law.
200	January 22.	A	Braham.	Pending on third reading.
207	January 22.	A	Reeves.	Indefinitely postponed February 5.
204	January 16.	A	Clark.	Pending with amendments on second reading.
219	January 16.	A	Glasbrook.	Pending on second reading.
100	January 22.	A	King.	Pending on second reading.
140	January 22.	A	Shirley.	Pending on third reading.

Bills Received from the House of Representatives—Continued.

No.	When Received.	Title.	Authors of Bills.	Proceedings Thereon.
245	January 29.	A	Johnson.	Failed on third reading.
303	January 29.	A	Baxter.	Failed to pass March 3, for want of a Constitutional majority.
314	January 29.	A	Talley.	Indefinitely postponed February 15.
330	January 29.	A	Woolen.	Ordered to lie on the table March 1.
306	January 29.	A	Shirley.	Passed the Senate March 3, and became a law.
303	January 29.	A	Woolen.	Indefinitely postponed March 7.
356	January 30.	A	Bieber.	Passed the Senate March 4, and became a law.
410	January 31.	A	Woolen.	Failed to pass March 3, for want of a Constitutional majority.
417	January 31.	A	Johnson.	Passed the Senate February 27, and became a law.
373	January 31.	A	Woolen.	Pending on second reading.

Bills Received from the House of Representatives—Continued.

1168

PROCEDURES THEREON.

Pending on second reading.

Pending on second reading.

Passed March 6, and became a law.

Passed the Senate March 6, and became a law.

Ordered to lie on the table March 4.

Pending on second reading.

Passed the Senate March 6, and became a law.

Ordered to lie on the table March 4.

Passed the Senate March 1.

Pending on second reading.

Ordered to lie on the table March 4.

NEW YORK UNIVERSITY

387	February 6.	A BILL to regulate the sale of intoxicating liquors : to provide against. Seils.		Passed the Senate February 20, and became a law.
40	February 7.	A	Mallett.	Passed the Senate March 2, and became a law.
389	February 12.	A	Stanley.	Passed the Senate March 2, and became a law.
316	February 12.	A		Passed the Senate March 6, and became a law.
66	February 16.	A	Offit.	Pending on second reading.
392	February 16.	A	Casthorn.	Ordered to lie on the table March 7.
444	February 16.	A	Schmuck.	Passed the Senate March 6, and became a law.
394	February 16.	A	Smith of Pei- scom.	Ordered to lie on the table March 6.
375	February 16.	A	Johnson.	Passed the Senate March 6, and became a law.

women in certain offices therein mentioned.

Bills Received from the House of Representatives—Continued.

1170

No.	When Received.	Title.	Authors of Bills.	Procedural Treatment.
611	February 14.	A Bill to amend section 44 of an act entitled "An act to provide for a general system of Common Schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 9, 1865.	Barrett.	Passed the Senate March 4, and became a law.
614	February 14.	A Bill supplemental to an act entitled "An act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legendeaux," approved June 16, 1852.	Beno.	Passed the Senate March 7, and became a law.
57	February 14.	A	Melett.	Passed the Senate March 20, and became a law.
604	February 14.	A	King.	Read a first time March 5, and referred to the Committee on Railroads.
616	February 16.	A	Miller.	Pending on second reading.
572	February 18.	A	Scott.	Pending on third reading.
673	February 18.	A	Kimball.	Pending on second reading.
610	February 18.	A	Biggs.	Ordered to lie on the table March 4.
604	February 18.	A Bill to amend section 120 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in cases."	Conatsoff.	Pending on second reading.

365	February 16.	A	Tester.	Pending on second reading.
366	February 16.	A	Woodard.	Passed the Senate March 1.
367	February 16.	A	Butterworth.	Pending in the Senate, on second reading.
465	February 18.	A	McConnell.	Ordered to lie on the table March 4.
368	February 18.	A	Beakirk.	Ordered to lie on the table March 7.
376	February 18.	A	Braham.	Pending on second reading.
466	February 19.	A	Peed.	Ordered to lie on the table March 8.
369	February 19.	A	Kimball.	Passed the Senate March 8, and became a law.
369	February 19.	A	Beakirk.	Pending on third reading.
469	February 19.	A	Peed.	Passed the Senate March 8, and became a law.
467	February 19.	A	Waltworth.	Failed to pass, March 8.
468	February 19.	A	Wynn.	Passed the Senate March 8, and became a law.
469	February 19.	A	Gronowdyke.	Passed the Senate March 8, and became a law.
469	February 19.	A	Hatch.	Passed the Senate March 8, and became a law.
469	February 21.	A	Thompson, of Elkhart.	Passed the Senate March 1, and became a law.
371	February 22.	A	Hollingsworth.	Pending on second reading.

Bills Received from the House of Representatives—Continued.

No.	WHEN RECEIVED.	TITLE.	AUTHORS OF BILLS.	PROCEEDINGS THEREON.
400	February 28.	A BILL to amend section 5 of an act entitled "An act to incorporate the town of Huntington," approved Feb. 16, 1848.	Cobb.	Passed the Senate March 4, and became a law.
401	March 1.	A BILL for an act to provide for the Public Printing and Binding.	Hardisty.	Passed the Senate with amendments. Passed in the House.
404	March 1.	A BILL legalizing the assessment and collection of the municipal taxes for the years 1871 and 1872, of the town of Sumner in Wabash county.	Cowgill.	Passed the Senate March 4, and became a law.
406	March 3.	A BILL the first section of an act, approved Jan. 14, 1844, to incorporate the Female Seminary of St. Mary's of Vigo county, Indiana, by authorizing schools for an asylum, a hospital and other marks of charity by	Edwards, of Vigo.	Passed the Senate March 7, and became a law.
408	March 3.	A BILL to amend the first section of an act entitled "An act to incorporate the University of Notre Dame Du Lac, at South Bend,	Henderson.	Passed the Senate March 7, and became a law.
411	March 6.	A BILL the 57th Judicial of a Judge and session, declaration, providing for Circuit Courts, Common Pleas and cases," ap-	Willard.	Read a first time March 8, and referred to a Select Committee consisting of Messrs. Brown, Hall and Gregg.
410	March 6.	A BILL An act creating for the election and providing of said Courts, approved March 1st business in, and declaring	Walker.	Passed the Senate March 8, and became a law.
412	March 6.	A BILL An act creating for the election and providing of said Courts, approved March 1st business in, and declaring	King.	Passed the Senate March 8, and became a law.
413	March 6.	A BILL An act creating for the election and providing of said Courts, approved March 1st business in, and declaring	Smith.	Passed the Senate March 8, and became a law.
414	March 6.	A BILL An act creating for the election and providing of said Courts, approved March 1st business in, and declaring	Walker.	Passed the Senate March 8, and became a law.

officers thereof and their respective powers and duties," etc., approved March 6, 1866.

400	March 5.	A	Kimball.	Passed the Senate March 7, and became a law.
415	March 5.	A	Cowgill.	Pending on first reading.
419	March 5.	A	Johnson.	Pending on first reading.
420	March 5.	A	Woolen.	Passed the Senate March 8, and became a law.
474	March 5.	A	Sizing.	Passed the Senate March 6, and became a law.
505	March 5.	A	Woolen.	Passed the Senate March 6, and became a law.
535	March 5.	A	Kimball.	Passed the Senate March 8, and became a law.
531	March 5.	A	Kimball.	Passed the Senate March 8, and became a law.
535	March 5.	A	Brabham.	Pending on first reading.
536	March 5.	A	Gregory.	Passed the Senate March 8, and became a law.
545	March 5.	A	King.	Pending on first reading.
559	March 5.	A	Kimball.	Passed the Senate March 8, and became a law.
560	March 5.	A	Miller.	Pending on first reading.

15	November 15.	A	Hubbard.	
16	November 16.	A	Taylor.	97.
17	November 16.	A	Orr.	310.
18	November 18.	A	Miller.	305, 331, 400.
19	November 18.	A	McE.	311, 445.
20	November 18.	A	Armstrong.	311, 402, 503.
21	November 18.	A	Grogg.	311.
22	November 18.	A	Beardsley.	140, 212, 213.
23	November 18.	A	McE.	302.
24	November 18.	A	Cave.	311, 575.
25	November 18.	A	O'Brien.	312, 344.
26	November 18.	A	McE.	300, 351, 400, 712, 775, 802, 803.
27	November 19.	A	Glenham.	
28	November 19.	A	Orr.	107, 312.

INDEX TO SENATE BILLS—Continued.

1178

No.	When Introduced.	Title.	By Whom.	Action Thereon—Page 82.
20	November 19. A	the completion of the unfinished business of any session of the General Assembly by the next succeeding special session of the same	Thompson.	149.
20	November 19. A	to amend the title and the first section of "An act to organize a Supreme Court, and prescribing certain duties of the Judges	O'Brien.	312.
21	November 19. A	to amend the title and the first section of "An act to organize a Supreme Court, and prescribing certain duties of the Judges	Glover.	350, 351.
22	November 19. A	to amend the title and the first section of "An act to organize a Supreme Court, and prescribing certain duties of the Judges	Dwight.	94, 320, 377.
23	November 19. A	to amend the title and the first section of "An act to organize a Supreme Court, and prescribing certain duties of the Judges	Beardley.	309, 320, 442, 495, 529.
24	November 19. A	to amend the title and the first section of "An act to organize a Supreme Court, and prescribing certain duties of the Judges	Hough.	312, 355, 311, 343, 344.
25	November 19. A	to amend the title and the first section of "An act to organize a Supreme Court, and prescribing certain duties of the Judges	Gregg.	322, 327, 400.
26	November 19. A	to amend the title and the first section of "An act to organize a Supreme Court, and prescribing certain duties of the Judges	Wells.	149, 172, 1.
27	November 19. A	to amend the title and the first section of "An act to organize a Supreme Court, and prescribing certain duties of the Judges	Carr.	94, 340.
28	November 19. A	to amend the title and the first section of "An act to organize a Supreme Court, and prescribing certain duties of the Judges	Beane.	312.

43	November 19.	A	Slater.	313, 404, 451, 451.
44	November 20.	A	O'Brien.	313, 402.
45	November 19.	A	Beardsley.	313.
46	November 20.	A	Benson.	96, 167.
48	November 20.	A	Neff.	302.
47	November 20.	A	Care.	313, 453.
49	November 21.	A	Thompson.	
49	November 21.	A	Hough.	113, 309, 411, 503.
50	November 21.	A	Bryman.	97, 312, 305.
50	November 22.	A	Gleason.	

INDEX TO SENATE BILLS--Continued.

[illegible]

Common Council of such city or cities may deem expedient, and providing in what manner the same may be conveyed, and declaring an emergency.

Bleeth.

Caraphan.

Thompson.

Beardley.

Blades.

Collins.

Collins.

Hough.

Bacon.

Bacon.

Beardley.

70 November 21. A

71 November 22. A

72 November 23. A

73 November 24. A

74 November 25. A

75 November 26. A

76 November 27. A

77 November 28. A

78 November 29. A

79 November 30. A

80 November 31. A

97, 231.

201, 242, 417.

299, 322, 431.

97, 342.

97, 344.

201, 222, 431.

202.

212.

214.

93	November 27.	A BILL limiting the number of grand and petit jurors in the Courts of this State.	Biaga.	314, 444.
94	November 27.	A BILL concerning houses for friendless women, the collection and payments of fines and forfeitures, and repealing all laws condoning therewith, and declaring an emergency.	Thompson.	304, 418, 507, 678.
95	November 27.	A BILL to protect rivers, streams, or bodies of water from which water is taken, for the use of cities, towns, villages, or benevolent institutions, and providing a penalty for a violation, and declaring an emergency.	Scott.	301, 303, 453.
96	November 27.	A BILL to encourage manufacturing in the State of Indiana, and	Hubbard.	304, 361, 440.
97	November 27.	A	Collett.	337.
98	November 27.	A	Collett.	305, 338, 804.
99	November 27.	A	Collett.	305, 361, 437, 519.
100	November 27.	Principal. A BILL to amend sections 303 and 304 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts in this State; to abolish distinct forms of action at law, and to provide for the administration of the courts without distinction."	Daggy.	97, 414.
101	November 27.	A	Collett.	
102	November 27.	repeal. A BILL to repeal all laws providing for the appraisement of property taken on execution or other final process.	Hubbard.	314, 408.
103	November 27.	A BILL to amend section 78 of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their properly connected therewith, and for the regulation	Smith.	304, 361, 438.
104		A BILL to plank,) net of and ale marked across A BILL to heirs of partial legacies A BILL to committee		349, 399, 395.
105	December 2.		P.	131, 239, 319, 411, 500.
106	December 2.			104, 145, 343, 432.

INDEX TO SENATE BILLS—Continued.

No.	When Introduced.	TITLE.	BY WHOM.	ACTION TAKEN—PAGE OR.
107	December 1.	A BILL to secure the valuation and taxation of new railroads.	Wm. Brown.	104, 105, 222.
108	December 2.	A BILL in relation to the qualification of jurors in certain cases therein named.	Scott.	122, 227.
109	December 2.	A BILL to amend section 31 of "An act to provide for the organization of Savings Banks, and the safe and proper management of their affairs," approved May 12, 1862, and declaring an emergency.	Daggy.	122, 164.
110	December 2.	A BILL to amend section 31 of "An act to provide for the organization of Savings Banks, and the safe and proper management of their affairs," approved May 12, 1862, and declaring an emergency.	Hoff.	122.
111	December 2.	A BILL to amend section 31 of "An act to provide for the organization of Savings Banks, and the safe and proper management of their affairs," approved May 12, 1862, and declaring an emergency.	Friedley of Lawrence.	122, 275.
112	December 2.	A BILL to amend section 31 of "An act to provide for the organization of Savings Banks, and the safe and proper management of their affairs," approved May 12, 1862, and declaring an emergency.	Steele.	122, 460.
113	December 2.	A BILL to amend section 31 of "An act to provide for the organization of Savings Banks, and the safe and proper management of their affairs," approved May 12, 1862, and declaring an emergency.	Hoff.	122.
114	December 2.	A BILL to amend section 31 of "An act to provide for the organization of Savings Banks, and the safe and proper management of their affairs," approved May 12, 1862, and declaring an emergency.	Brown.	202.
115	December 2.	A BILL to amend section 31 of "An act to provide for the organization of Savings Banks, and the safe and proper management of their affairs," approved May 12, 1862, and declaring an emergency.	Dwiggins.	122, 123, 215, 411, 502.
116	December 2.	A BILL to amend section 31 of "An act to provide for the organization of Savings Banks, and the safe and proper management of their affairs," approved May 12, 1862, and declaring an emergency.	Orr.	2104, 124, 264, 421, 470.

119	December 5.	A	Beeson.	134, 323.
120	December 5.	A	Armstrong.	134, 439, 531, 537.
121	December 5.	A	Thompson.	134, 537.
122	December 5.	A	Harney.	31, 59, 203.
123	December 5.	A	Glesmer.	134, 103, 301, 400.
124	December 5.	A	Oliver.	134, 773.
125	December 5.	A	Slater.	60, 343, 331, 333.
127	December 5.	A	Rhodes.	135, 170, 313, 451, 503, 509.
128	December 5.	A	Hubbard.	135, 333, 435.
129	December 5.	A	Dagley.	135, 576.
130	December 7.	A	Hall.	343, 331, 411, 413.
131	December 7.	A	Taylor.	135, 333.
133	December 7.	A	Brown.	135, 163, 315.
135	December 7.	A	Scott.	135.

INDEX TO SENATE BILLS—Continued.

No	When Introduced.	TITLE.	By Whom.	ACTION TAKEN—Page or.
134	December 7.	A the city of Indianapolis, and other matters properly connected therewith, and declaring an emergency. Unit of the Court of compose the same, and the duration of be present common providing for the for each district, repealing all laws	Friedley of Lawrence.	
135	December 7.	A BILL to constitute the thirtieth judicial circuit.	Gooding.	136, 346.
136	December 7.	A BILL pertaining to division walls, and digging cellars where there is cities or towns.	Thompson.	179.
137	December 7.	A BILL of common pleas in the other laws on the same subject.	Hough.	
138	December 7.	A subject.	Taylor.	139, 352.
139	December 7.	A	Beardsley.	136, 352.
140	December 7.	A	Howard.	139, 164, 318, 361, 433.
142	December 8.	A	Gregg.	184, 447.
143	December 8.	A	Steele.	137, 330, 477, 490.
144	December 8.	A	O'Brien.	137, 334, 314, 401.
147	December 13.	A repealing the law on that subject, approved May 14, 1903, provid- ing compensation for county auditor, in such amendment, and de- claring an emergency. A BILL exempting certain personal property from sale on execution.	Brewer.	100, 107, 108, 110, 112, 119

149	December 13.	A	259, 310, 340, 400, 403, 673.
149	December 13.	A	330.
150	December 13.	A	144, 179.
152	December 13.	A	137, 185.
153	December 13.	A	127, 333, 334, 370, 777.
154	December 13.	A	137, 329.
155	December 13.	A	128, 144, 315, 412, 513.
156	December 13.	A	136, 245, 332, 431.
157	December 13.	A	351, 347, 413, 530.
158	December 13.	A	133, 225, 226.
159	December 14.	A	160, 254, 255, 256.
160	December 14.	A	59, 40, 107, 300, 343, 503, 632, 633.
161	December 16.	A	314.
162	December 16.	A	139, 140, 310, 415, 504.
163	December 16.	A	133, 134.
164	December 16.	A	136.

on
1 TP.

INDEX TO SENATE BILLS—Continued.

No.	When Introduced.	Title.	By Whom.	Action Taken—Page
167	December 19.	In the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State. A BILL fixing the time of holding the Court of Common Pleas of Rip-	Rosenbrugh.	
168	January 10.	A BILL fixing the time of holding the Court of Common Pleas of this State in the County of Adams. A BILL fixing the time of holding the Court of Common Pleas of this State in the County of Adams.	Dwiggins.	15, 20, 45, 11, 48, 79, 100.
169	January 10.	A BILL fixing the time of holding the Court of Common Pleas of this State in the County of Adams.	Gregg.	16, 179, 319, 537, 140, 537.
170	January 10.	A BILL fixing the time of holding the Court of Common Pleas of this State in the County of Adams.	Taylor.	18, 190, 330, 337, 339, 339, 400, 574, 339, 339.
171	January 10.	A BILL fixing the time of holding the Court of Common Pleas of this State in the County of Adams.	Orr.	19, 180, 344.
172	January 10.	A BILL fixing the time of holding the Court of Common Pleas of this State in the County of Adams.	Dittmore.	19, 149, 376.
173	January 12.	A BILL fixing the time of holding the Court of Common Pleas of this State in the County of Adams.	Dittmore.	45, 130, 333, 339, 742.
174	January 14.	A BILL fixing the time of holding the Court of Common Pleas of this State in the County of Adams.	Med.	45, 130, 333, 500, 573.
175	January 13.	A BILL fixing the time of holding the Court of Common Pleas of this State in the County of Adams.	Williams.	45, 130, 573.
176	January 13.	A BILL fixing the time of holding the Court of Common Pleas of this State in the County of Adams.	Hubbard.	49, 130, 343, 535, 537.
177	January 13.	A BILL fixing the time of holding the Court of Common Pleas of this State in the County of Adams.	Dwiggins.	50, 130.
178	January 13.	A BILL fixing the time of holding the Court of Common Pleas of this State in the County of Adams.	Med.	52, 131, 573.
179	January 13.	A BILL fixing the time of holding the Court of Common Pleas of this State in the County of Adams.	Cave.	52, 131, 581.
180	January 13.	A BILL fixing the time of holding the Court of Common Pleas of this State in the County of Adams.	Harney.	53, 131, 585, 589.

181	January 13.	A	Williams.	59, 181, 575.
182	January 13.	A	Orr.	59, 181, 394.
183	January 13.	A	Daguer.	59, 182.
184	January 13.	A	Daguer.	59, 182, 354.
185	January 13.	A	Hubbard.	59, 182, 378, 501, 674.
186	January 13.	A	Ringo.	60, 182, 347, 399.
187	January 13.	A	Scott.	61, 182, 351, 537, 742.
188	January 14.	A	Steele.	71, 183, 330, 538, 741.
189	January 14.	A	Smith.	71, 183, 335, 485, 671.
190	January 14.	A	Armstrong.	71, 183, 354, 491.
191	January 14.	A	Taylor.	71, 183, 556.
192	January 14.	A	Steele.	71, 183, 258, 497, 675.
193	January 14.	A	Orr.	71, 184, 538, 743.
194	January 14.	A	McG.	71, 184, 846.
195	January 14.	A	Boeson.	71, 184, 358, 483, 673.
196	January 14.	A	Howard.	71, 184, 244.
197	January 14.	A	Harvey.	77, 184, 673, 890.

INDEX TO SENATE BILLS—Continued.

No.	When Introduced	By Whom.	Action Taken—Page of.
199	January	Dittmore.	90, 184, 539.
200	January	Haworth.	90, 184.
201	January	Fuller.	90, 185, 905.
202	January	Orr.	90, 185, 554.
203	January	Carragher.	91, 185, 990, 500, 677.
204	January	Daggy.	91, 185, 355, 203, 759.
205	January	Daggy.	91, 185, 993, 536, 744.
206	January	Daggy.	91, 190, 184, 949, 970.
207	January	Friedley of Scott. Collett.	91, 755, 855. 92, 164, 223.
208	January	Fuller.	104, 190, 344, 843.

209	January 16.	A	lized and gravel road companies, trustees, to levy a road tax in	Beeson.	104, 186, 201, 207.
210	January 16.	A	led "An act to authorize aid to counties and townships taking railroad companies," approved Board of Commissioners in the and the time of paying such tax as them to wholly discharge the	Armstrong.	104, 186, 200.
211	January 16.	A	the township trustees of all mo- neys which shall have been collected from specific purposes, and providing penalties provisions of this act.	Friedley, of Scott.	104, 187, 203.
212	January 16.	A	BILL to amend an amended act entitled election or appointment of supervisors and ing certain of their duties and three of o-ra in relation thereto," approved Dec.	Daugherty.	105, 187, 203.
213	January 16.	A	BILL to amend section 16 of an act entitled "An act concerning	Smith.	105, 187, 200, 200, 711.
214	January 17.	A		Tuller.	124, 187, 200, 200.
215	January 17.	A		Scott.	124, 187, 200, 201, 200.
216	January 17.	A		Steeb.	125, 188, 201.
217	January 17.	A		Boone.	125, 188, 201, 744.
218	January 17.	A		Rhodes.	125, 188, 200, 553, 746.
219	January 20.	A		Beardsley.	145, 188, 203, 490, 673, 944.
220	January 20.	A		Steele.	146, 188, 200.
221	January 20.	A		Friedley of Lawrence.	147, 188, 200.
222	January 20.	A	act. BILL making it unlawful for owners and proprietors of billiard tables to suffer or permit minors to congregate at and about such billiard tables, and providing penalties for the violation of this act.	Daggy.	147, 188, 201, 679.
223	January 20.	A	BILL to legalize certain acts of notaries public and the recording of certain instruments.	Friedley of Lawrence.	147, 188, 201, 620, 717.

INDEX TO SENATE BILLS—Continued.

No.	When Introduced.	Title.	By Whom.	Action Taken—Pass or.
224	January 22.	A BILL for the relief of Nicholas Morbeck, Joseph E. Lange and Francis Joseph Wetzler.	Gregg.	172, 242, 472, 651, 712, 711, 801.
225	January 22.	A BILL to amend sections 407 and 458 of an act entitled "An act to regulate, regulating the prices to be made of electing a Public Printer, a public printing commission, fix all laws coming in conflict with this act."	Boardley.	174, 361, 471.
226	January 22.	A BILL to amend sections 407 and 458 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the administration of justice in a uniform mode of action at law, and to abolish distinct functions between law and equity, without distinction."	Ringo.	174, 361, 471.
227	January 22.	A BILL providing for empaneling a jury other than the regular panel, in certain cases in the Superior Courts and Circuit Courts and Courts of Common Pleas of this State, and declaring an emergency.	Hough.	175, 361, 471, 481.
228	January 22.	A BILL in relation to the arrest of felons, and providing for the appointment of special constables therefor.	Orr.	175, 361, 471.
229	January 25.	A BILL to amend sections 407 and 458 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the administration of justice in a uniform mode of action at law, and to abolish distinct functions between law and equity, without distinction."	O'Brien.	211, 212, 237, 486, 551, 714, 827.
230	January 24.	A BILL to amend sections 407 and 458 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the administration of justice in a uniform mode of action at law, and to abolish distinct functions between law and equity, without distinction."	By Judiciary Committee.	211, 212, 237, 486, 551, 714, 827.
231	January 24.	A BILL to amend sections 407 and 458 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the administration of justice in a uniform mode of action at law, and to abolish distinct functions between law and equity, without distinction."	Gooding.	232, 242, 484, 651, 801.
232	January 24.	A BILL to regulate the sale of mineral oils and other substances for illuminating purposes.	Wad.	237, 242, 486, 801.
233	January 25.	A BILL to enable cities to aid in the construction of manufacturing companies.	Williams.	238, 242, 484, 651, 801.
234	January 25.	A BILL to prevent logs from running at large.	Gleason.	239, 242, 486, 801.

235	January 25.	A	Oliver.	239, 349, 548.
236	January 26.	A	Beardale.	239, 343, 499.
237	January 26.	A	Bernighausen.	239, 348, 401, 654.
238	January 26.	A	Joint Select Committee.	239, 355, 362, 497, 498, 442, 574, 510, 432, 638, 641, 645, 761, 574, 539.
239	January 26.	A	Thompson.	240, 349, 522, 545, 642, ■■■.
240	January 26.	A	Moore.	240, 349, 486, 656.
241	January 26.	A	Harney.	240, 349, 563.
242	January 26.	A	Taylor.	241, 349, 548, ■■■.
243	January 26.	A	Thompson.	241, 370, 764.
244	January 26.	A	Beardale.	241, 370, 556, 332, 802, 902.
245	January 26.	A	Beardale.	241, 371, 490, 631, 641, 661, 750.
246	January 26.	A	Thompson.	241, 370, 546.
247	January 26.	A	Gleason.	241, 380, 567.

INDEX TO SENATE BILLS—Continued.

No	When Introduced.	TITLE.		
248	January 25.	A BILL to provide for exemption from sale on execution of occupied lots in cemeteries which have been platted and recorded.	Thompson.	248, 370, 448, 684.
249	January 25.	A BILL supplemental to an act entitled "An act to provide for a uniform assessment of property and for the collection and return of taxes," approved December, 1872.	Rhodes.	249, 369, 579.
250	January 25.	A	Gooding.	246, 370, 444, 661, 838, 977.
251	January 27.	A	Care.	248, 371, 557, 838
252	January 27.	A BILL to amend section 81 of an act entitled "An act providing for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1869.	Daggy.	248, 370, 404.
253	January 27.	A BILL to prevent libelous publications.	Thompson.	248, 371, 408.
254	January 27.	A BILL to amend section 69 of an act to repeal all general laws now in force, for the incorporation of cities, and the manner in which and to regulate such other matters as	Hall.	248, 371, 557, 654, 686, 908, 910.
255	January 27.	A BILL to prevent the owners of hogs having the cholera from letting the same run at large.	Fuller.	248, 371, 408, 686.
256	January 29.	A BILL to prevent certain officers from using free passes over railways	Gregg.	250, 373, 548, 862.
257	January 29.	A	O'Brien.	250, 373, 409, 499.
258	January 29.	A	Fuller.	250, 373, 405, 656, 744.
259	January 29.	A	Orr.	250, 373.
260	January 29.	A	O'Brien.	250, 373, 684.
261	January 29.	A BILL to amend section 1 of an act entitled "An act to amend the 23d section of an act entitled 'An act to revise, simplify, and abridge the rules, practice pleadings, forms in civil cases in the courts of this State, to abolish distinct forms of motions at law, and to provide for the administration of justice in a uniform mode of	Gleason.	250, 373, 408.

262	January 29.	pleading and practice without distinction between law and equity," approved June 18, 1883; approved March 9, 1881.	A BILL to change the time of holding the Circuit Court in Huntington county, Indiana.	Daugherty.	261, 277, 280, 291.
263	January 29.		A BILL authorizing married women to sell and convey certain interests in real estate, and regulating rights connected therewith.	Bird	262, 273, 403, 404, 777, 929.
264	January 29.			Gooding.	262, 273, 713, 734, 735, 937.
265	January 29.			Steele.	265, 276.
266	February 1.			Carmaken.	266, 273, 407, 451.
267	February 1.			Neff.	264, 273, 549, 555, 951, 954.
268	February 1.			Cave.	265, 272, 461, 462.
269	February 1.			Bunyan.	265, 273, 472.
270	February 1.			Thompson.	265, 274, 468, 469.
271	February 1.			Orr.	265, 274, 459.
272	February 1.			Blago.	265, 274, 405, 475.
273	February 1.			Collett.	265, 274, 720, 829, 951, 952, 953.
274	February 2.			Scott.	262, 219, 557, 923.
275	February 2.			Gooding.	266, 216, 650, 655.
276	February 2.		A BILL repealing section 47 of an act entitled "An act defining felonies and prescribing punishment therefor," approved June 10, 1858.	Thompson.	266, 219, 652, 655.

287	February 3.	A	Oliver.	388.
288	February 3.	A	Elater.	388, 519, 762.
289	February 6.	A	Steele.	441, 530, 558, 681, 767, 902.
290	February 11.	A	Dittmore.	473, 479, 505, 505, 509, 522, 522.
291	February 11.	A	Orr.	474, 517.
292	February 11.	A	Rhodes.	474, 529, 576, 631, 642, 632, 715, 794, 841.
293	February 11.	A	Wedge.	552, 764, 830, 894.
294	February 11.	A	Baralghausen.	475, 521, 510, 519, 607, 609, 768.
295	February 11.	A	Gooding.	475, 478, 523.
296	February 11.	A	Dwiggins.	475, 500, 684.
297	February 11.	A	Hough.	475, 519, 545, 594.

INDEX TO SENATE BILLS—Continued.

No.	When Introduced.	TITLE.	By Whom.	ACTION THEREON—PAGE OF.
206	February 11.	A Bill for the purpose of providing that where such liquors are so kept, and fixing the penalty for violating this act.	Hough.	476, 512, 555
209	February 11.	A Bill for the purpose of providing that no act to revise, change and form in the several distinct forms of the constitution of justice in a court of law, but distinction between the same.	Thompson.	476, 545, 554.
200	February 11.	A Bill for the purpose of providing that any county to make an allowance of money for the benefit of or organized draining companies, their officers and sureties, and prescribing under what circumstances such allowances may be made.	Harney.	476, 519, 567, 532, 555.
201	February 11.	A Bill for the purpose of providing that the commission of any crime by a person for the purpose of obtaining money for the benefit of or organized draining companies, their officers and sureties, and prescribing under what circumstances such allowances may be made.	Steele.	477, 521, 540.
202	February 11.	A Bill for the purpose of providing that the commission of any crime by a person for the purpose of obtaining money for the benefit of or organized draining companies, their officers and sureties, and prescribing under what circumstances such allowances may be made.	Dwiggins.	472, 522, 579, 595, 504, 507.
203	February 11.	A Bill for the purpose of providing that the commission of any crime by a person for the purpose of obtaining money for the benefit of or organized draining companies, their officers and sureties, and prescribing under what circumstances such allowances may be made.	Dagg.	478, 524.
204	February 11.	A Bill for the purpose of providing that the commission of any crime by a person for the purpose of obtaining money for the benefit of or organized draining companies, their officers and sureties, and prescribing under what circumstances such allowances may be made.	Dwiggins.	479, 520, 524.
205	February 11.	A Bill for the purpose of providing that the commission of any crime by a person for the purpose of obtaining money for the benefit of or organized draining companies, their officers and sureties, and prescribing under what circumstances such allowances may be made.	Steele.	477, 545, 563, 564.
206	February 11.	A Bill for the purpose of providing that the commission of any crime by a person for the purpose of obtaining money for the benefit of or organized draining companies, their officers and sureties, and prescribing under what circumstances such allowances may be made.	Dwiggins.	479, 545, 563.
207	February 11.	A Bill for the purpose of providing that the commission of any crime by a person for the purpose of obtaining money for the benefit of or organized draining companies, their officers and sureties, and prescribing under what circumstances such allowances may be made.	Hall.	479, 575.
208	February 11.	A Bill for the purpose of providing that the commission of any crime by a person for the purpose of obtaining money for the benefit of or organized draining companies, their officers and sureties, and prescribing under what circumstances such allowances may be made.	Dwiggins.	479.

300	February 13.	A	Brown.	611, 646.
310	February 13.	A	Collect.	512, 537, 643, 601, 312.
311	February 13.	A	Collect.	520.
312	February 13.	A	Bird.J	523, 544, 540, 630.
313	February 13.	A	Dwiggina.	540.
314	February 13.	A	Gooding.	540, 544.
315	February 13.	A	Glossner.	545, 532.
316	February 13.	A	Brown.	545, 620, 573.
317	February 13.	A	Boone.	545, 637.J
318	February 14.	A	Beardsley.	523, 709, 734, 303, 643.
319	February 15.	A	Howard.	550, 650.
320	February 15.	A	Boone.	546.
321	February 15.	A	Winterbotham.	556.
322	February 15.	A	Smith.	559, 630.

INDEX TO SENATE BILLS—Continued.

No.	ACTION TAKEN—PAGE OF.
323	541.
324	541, 650.
325	547, 709, 902.
326	547, 779.
327	594, 650, 806.
328	597, 607.
329	597, 710.
330	652, 709, 846.
331	694, 779.
332	
333	711, 769, 801.
334	February 27. A BILL, relating to evidence and bills of exceptions in cases of ap. ^{and} _{page.} ^{Glennet.}

336	February 27.	A BILL concerning deeds to School, Beline, University, and Sinking Fund lands, and legalizing certain deeds heretofore made for such lands.	Williams.	719, 777.
336	February 27.	A BILL to fix and determine the Indiana and Kentucky above.	Gooding.	719, 931, 949, 959.
337	February 27.	A BILL to amend section 1 of "An Act for the protection of the Sabbath, and providing penalties for the desecration thereof," approved February 28, 1855.	Orr.	719.
339	February 28.	A BILL to amend section 40 of an act entitled "An act dividing the State into counties, defining their boundaries and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved June 7, 1858.	Friedley of Scott.	749.
339	March 1.	A BILL to amend section 6 of "An act regulating the granting of divorces, nullification of marriages, and decrees and orders of	Smith.	765, 825.
340	March 2.	A and for the organization of	Taylor.	800, 877, 1011.
341	March 2.	A car railway other public and regula-	Oliver.	811.
342	March 5.	A id "An act 1872," ap-	Sleeth.	867, 883.
343	March 6.	A ma and coti- riation and	Scott.	917, 937, 944.
344	March 6.	A provide for, he decisions a reporter,"	Sleeth.	941, 942.
345	March 6.	A to divide the s of holding s and trans- d providing s in certain	Carnahan.	946.
346	March 6.	A 6th judicial the law in	Barnighausen.	957.
347	March 6.	A ind station- Pleas Court	Boeson.	948, 949.
348	March 8.	A s and f any to re- pro- mulet action	Slater.	

INDEX TO SENATE JOINT RESOLUTIONS.

No.	When INTRODUCED.	TITLE.	By Whom INTRODUCED.	ACTION THEREON—PAGE OF.
4	January 20.	A JOINT RESOLUTION Authorizing the sale of certain personal property therein mentioned.	Beardsley.	146, 392, 411, 437.
5	January 22.	A JOINT RESOLUTION to make temporary provisions for the pub- lic printing.	Friedley, of Lawrence.	177, 204, 233.
6	January 24.	A JOINT RESOLUTION in relation to certain law books therein mentioned.	Daggy.	226.
7	January 24.	A JOINT RESOLUTION	O'Brien.	267, 294, 302.
8	January 25.	A JOINT RESOLUTION cancelling certain be- lie red-issued by the 7	Harney.	27, 235, 415, 628.
9	January 21.	A JOINT RESOLUTION lower to the school cover the same, and L lation there to	Boone.	444.
10	February 4.	A	Wedge.	338, 401, 408.
11	February 18.	A	Bird.	225, 636, 690, 807.
12	February 26.	A	Scott.	736.
13	February 28.	A	Wedge.	736.
14	February 28.	A	Smith.	768.
15	March 1.	A	Fuller.	792.
16	March 3.	Amended. A JOINT RESOLUTION in relation to Railroad Companies and cor- porations and defining the duties and giving directions to the At- torney General as to suits and proceedings now pending and which may hereafter be brought.	Gregg.	812, 834, 1067.

17	March 5.	A	A JOINT RESOLUTION authorizing the payment of a lost certificate of State Stock, No. 906, to Etienne Lion Arnold, of Paris, France.	Williams.	879, 912.
18	March 5.	A	ra and requesting assistance to prevent sly newspapers to ties where printed. r of State to sell estate therein des-	Friedley, of Lawrence.	1044.
19	March 6.	A		Ringo.	914, 1064.
20	March 7.	A	agement of State	Wadgo.	980.
21	March 8.	A	proposing amendments to the constitution	Boone.	1031, 1073.
22	March 8.	A	A JOINT RESOLUTION authorizing the letting of paper and printing to the lowest responsible bidder.	Chapman.	1044.
23	March 8.	A	A JOINT RESOLUTION in relation to instructing the Treasurer of State to procure a policy of insurance on the law library of the Supreme Court.	Steele.	1044.

160	December 5.	A	Canthorpe	196, 204, 578.
25	December 6.	A	Johnson	192, 316.
74	December 6.	A	Walker	193, 200, 529, 545, 900, 1040.
127	December 6.	A	Johnson	201, 235, 501, 599, 634, 699.
165	December 7.	A	Walker	201, 206, 419.
6	December 7.	A	Kimball.	61, 201, 228, 599, 642.
26	December 7.	A	Kimball.	194, 553, 763, 812, 821.
69	December 7.	A	Ellsworth.	192, 202, 377, 409, 1045.
129	December 7.	A	North.	1044.
144	December 7.	A	Cowgill.	194, 429, 609, 914.
2	December 11.	A	Butterworth.	109, 101, 228.
152	December 11.	A	Kimball.	109, 191.
118	December 11.	A	Willson of Ripley.	115, 196, 224, 235, 640, 694.

119	December 17.	A BILL to amend section 2 of an act entitled "An act to amend sections 4 and 7 of an act to provide for the election, fixing the compensation and prescribing the duties of the Attorney General of the State of Indiana," approved June 3, 1861.	Biggs.	104, 445.
174	December 17.	A BILL to amend section 29 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to repeal such other matters as properly pertain thereto," approved March 14, 1867.	Baker.	119, 197, 245, 302.
171	December 17.	A BILL prescribing the manner of selecting petit jurors for the Circuit, and declaring an emergency.	Gleason.	117, 197, 209.
241	December 17.	A BILL to amend section 29 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to repeal such other matters as properly pertain thereto," approved March 14, 1867.	Claypool.	90, 195, 205, 222, 553, 700, 1004.
136	December 18.	A BILL to amend section 29 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to repeal such other matters as properly pertain thereto," approved March 14, 1867.	Leinfesty.	117, 194.
56	December 18.	A BILL to amend section 29 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to repeal such other matters as properly pertain thereto," approved March 14, 1867.	Furness.	117, 194, 405, 531, 540, 594.
218	December 19.	A BILL to amend section 29 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to repeal such other matters as properly pertain thereto," approved March 14, 1867.	Wilson of Ripley.	118, 199, 362, 509.
210	December 19.	A BILL to amend section 29 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to repeal such other matters as properly pertain thereto," approved March 14, 1867.	Baxter.	117, 199, 205, 379.
211	December 19.	A BILL to amend section 29 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to repeal such other matters as properly pertain thereto," approved March 14, 1867.	Baxter.	195, 206, 340 351.
214	December 19.	A BILL to amend section 29 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to repeal such other matters as properly pertain thereto," approved March 14, 1867.	Wilson of Ripley.	118, 199, 279.
167	December 19.	A BILL to amend section 29 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to repeal such other matters as properly pertain thereto," approved March 14, 1867.	Canthorn.	118, 194, 323, 328, 452.
170	December 19.	A BILL to amend section 29 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to repeal such other matters as properly pertain thereto," approved March 14, 1867.	Bratt.	118, 194, 275, 300.
178	December 19.	A BILL to amend section 29 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to repeal such other matters as properly pertain thereto," approved March 14, 1867.	Wilson of Ripley.	118, 197, 363.
186	December 19.	A BILL to amend section 29 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to repeal such other matters as properly pertain thereto," approved March 14, 1867.	Shirley.	118, 197, 304, 304, 309, 553, 604, 639.

INDEX TO HOUSE BILLS--Continued.

213	January 22.	A	Walton.	242, 274, 404.
201	January 16.	A	Woolen.	120, 200, 204, 206, 249, 268, 289.
202	January 16.	A	Woolen.	122, 200, 204, 215, 206, 249, 256.
200	January 22.	A	Branham.	249, 272, 422, 461.
207	January 22.	A	Beeson.	249, 274, 406.
205	January 18.	A	Clark.	120, 199, 279.
219	January 16.	A	Glenbrook.	221, 199, 200, 272, 411.
100	January 22.	A	King.	204, 275, 460.
146	January 22.	A	Shirley.	222, 275, 462, 461.
245	January 22.	A	Johnson.	222, 275, 709, 982.
222	January 22.	A	Baxter.	222, 276, 464, 981, 1047.
214	January 22.	A	Talley.	222, 275, 547.
220	January 22.	A	Woolen.	120, 272.
222	January 22.	A	Shirley.	222, 274, 406, 981, 1050.

INDEX TO HOUSE BILLS—Continued.

— No — 333 346 410 417 379 421 423 361 366 311 10 204

Bill	When Received.	Title.	Authors of Bills.	Proceedings Thereon—Page or.
320	February 6.	buy, and making accessories principals therein, and prescribing punishment therefor. A BILL to amend section 467 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in action at law, and uniform mode of law and equity."	Walker.	302, 303.
326	February 6.	A BILL defining certain felonies and prescribing punishment therefor.	Shirley.	302, 303, 342, 343.
353	February 6.	A BILL to prohibit Township Trustees from levying road tax upon real or personal property in incorporated towns and cities.	Scott.	302, 345.
360	February 6.	A BILL to amend section 311 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in action at law, and uniform mode of law and equity."	Mallett.	733, 734, 735, 731, 333, 333.
376	February 6.	A BILL to amend section 311 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in action at law, and uniform mode of law and equity."	King.	302, 335.
398	February 6.	A BILL to amend section 311 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in action at law, and uniform mode of law and equity."	Walker.	302, 335.
397	February 6.	A BILL to amend section 311 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in action at law, and uniform mode of law and equity."	Butts.	513, 535, 570, 601, 603, 614, 616, 635, 639.
40	February 7.	A BILL to amend section 311 of an act entitled "An act to provide for a general system of common schools, the officers thereof and their respective duties and matters properly connected therewith, and for the regulation of township libraries, and to repeal certain acts in relation therewith, approved March 6, 1865, and adding supplemental sections thereto."	Mallett.	733, 734, 816, 818.
390	February 13.	A BILL legalizing summonses, executions and other processes of law issued by Justices of the Peace in incorporated cities to the marshals of said cities, as also all acts done or performed under and by color of such writs, and protecting such marshals from prosecution for acts done under and by color thereof.	Shirley.	407, 795, 837, 838.

302	February 19.	provide a uniform assessment of property, and for the collection and return of taxes thereon," approved December 31, 1872.	Beakirk.	304, 340, 303.
430	February 19.	A BILL to amend section 3 of an act entitled "An act to provide compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad company in this State," approved March 1, 1853.	Full.	304, 304, 1046.
447	February 19.	A BILL to amend sections 6 and 8 of an act entitled "An act to authorize the Boards doing county business to declare water courses navigable," approved May 31, 1852.	Whitworth.	304, 344, 1049.
456	February 19.	A BILL to amend section 1 of an act entitled "An act in relation to the change of public highways," approved March 11, 1867.	Wyan.	304, 333, 922, 1035.
456	February 19.	A BILL to amend section 1 of an act entitled "An act to amend sections 9, 10, 13, 19, 23, 24 and 33 of an act entitled 'An act to incorporate the town of Vernon, Jennings county, Indiana,' approved January 23, 1851; approved December 30, 1865, and to legalize certain ordinances of said corporation.	Greensdyke.	303, 339, 919, 911.
453	February 19.	A BILL for an act to amend the charter of the town of Clinton, granting to the Board of Trustees of said town certain powers, and of said President and Trustees of said town.	Hatch.	304, 322, 1027.
403	February 21.	A BILL to amend section 3 of an act entitled "An act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in repeat all laws conflicting with this act."	Thompson, of Elkhart.	733, 133, 736, 733, 322, 372.
313	February 24.	A BILL to provide against the removal from office of officers, and to provide for their removal from office thereafter.	Hollingsworth.	306, 376.
469	February 29.	A BILL to amend section 5 of an act entitled "An act to incorporate the town of Huntington," approved	Cobb.	306, 340, 357.
456	March 1.	A BILL for an act to provide for the P	Hardesty.	306, 335, 330, 1034, 1041.
534	March 1.	A BILL legalizing the assessment and c as for the years 1871 and 1872, of the county.	Cowgill.	306, 330, 312, 912.
334	March 3.	A first section of an act to incorporate the ligo county, Indiana, by which schools for lytium, a hospital and other marks of charity by in. 14, 1848, 'St. Mary's	Edwards of Vigo.	318, 334, 374.
185	March 3.	A BILL to amend the first section of an act entitled "An act to incorporate the University of Notre Dame Du Lac, at South Bend, St. Joseph county, Indiana," approved Jan. 15, 1844.	Henderson.	374.
61	March 4.	A BILL to repeal an act entitled "An act to create the 37th Judicial Circuit, providing for the appointment and election of a Judge and Prosecuting Attorney therein, and for their compensation, declaring the jurisdiction of the Courts in said circuit, and providing for	Willard.	

242	March 3.	A BILL in relation to the laying out, opening, widening, altering and vacating of streets, alleys and highways, and for cleaning or altering of water courses, by the cities of this State, and providing for the appointment of Commissioners to assess benefits and damages, prescribing their duties and the method of procedure, and providing for the collection of benefits and payment of damages, and prescribing the duties of city officers in relation thereto, and providing remedies in such matters.	King.	
243	March 3.	A BILL authorizing the Governor, Auditor and Treasurer of State to make a temporary loan.	Himball.	1119, 1120.
244	March 3.	A BILL authorizing Prosecuting Attorneys to prosecute the pleas of the State before Justices of the Peace.	Miller.	1039.

